

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

HAZEL I. CRUZ VAZQUEZ, et
al.

Plaintiffs
vs.

MENNONITE GENERAL HOSPITAL,
et al.

Defendant(s)

Civ. No. 08-1236 (JP)

Hato Rey, Puerto Rico
April 2, 2009

DAUBERT HEARING
PARTIAL TRANSCRIPT: TESTIMONY DR. CARLOS RAMIREZ
BEFORE THE HONORABLE JUDGE JAIME PIERAS
FEDERAL BUILDING, HATO REY, PUERTO RICO

APPEARANCES:

For the Plaintiff:

Jose Ortiz Velez, Esq.
Pedro Soler Muniz, Esq.

For the Defendant:

Anselmo Irizarry Irizarry, Esq.
Jose Hector Vivas, Esq.
Jose Miranda Daleccio, Esq.
Humberto Vazquez Sandoval, Esq.
Gilda Cruz Martino, Esq.

Court Interpreter:

N/A

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P R O C E E D I N G S

(10:54 a.m.)

(Transcript commences at Daubert Hearing)

COURTROOM MARSHAL: [You may be seated]

MR. SOLER MUÑIZ: May it please the Court?

THE COURT: Go ahead.

MR. SOLER MUÑIZ: Attorney Pedro Soler for
the record.

(Carlos Eduardo Ramírez González, Plaintiff Witness)

DIRECT EXAMINATION

BY MR. SOLER MUÑIZ:

Q. Good morning.

A. Good morning.

Q. Could you please state your full name?

A. Carlos Eduardo Ramírez González.

Q. What is your age?

A. I am 52.

Q. What is your civil status?

A. I'm married.

Q. To whom?

A. To Doreen Sylvia Ringer.

Q. What is your actual address?

A. I live in Fortaleza El Covaleno in Cupey.

That is in road 176 corner with 177.

Q. Could we talk about your education, please?

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1 A. Yes.

2 Q. Let's start with what education you received
3 after high school.

4 A. Well, after I graduated from Colegio San
5 Antonio in Río Piedras, I went to the University of
6 Puerto Rico, Río Piedras campus, where I did premed.

7 Q. Where you did what?

8 A. A premedical three-year program in order to
9 get into medical school.

10 I went into medical school in 1977 to the
11 Recinto de Ciencias Médicas in the Puerto Rico Medical
12 Center.

13 THE COURT: You graduated in 77 as a Doctor?

14 THE WITNESS: No. I graduated in 1981 as a
15 Doctor.

16 THE COURT: And, in 77, what happened?

17 THE WITNESS: I -- I was enrolled in the
18 medical school.

19 THE COURT: Premed?

20 THE WITNESS: Yeah. With premed. And they
21 gave me the --

22 THE COURT: And where you did there three
23 years?

24 THE WITNESS: Yes.

25 THE COURT: And then, immediately, you went

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1 to the -- to the medical school?

2 THE WITNESS: I went to medical school. And,
3 after my first year, I was awarded a bachelor's degree
4 in science, in general science, as a special program of
5 the University of Puerto Rico.

6 BY MR. SOLER MUÑOZ:

7 Q. What is that special program?

8 A. Well, if you get admitted to medical school
9 without completing your bachelor's degree, after the
10 first year of completion of your medical school, they
11 convalidate that year as your fourth year of college,
12 and they give you a bachelor's degree.

13 Q. Okay. Go on, please, Doctor.

14 A. But I graduated in 1981 and did a straight
15 internship in obstetrics and gynecology.

16 Q. What does a straight internship mean?

17 A. A straight internship is an internship
18 dedicated basically to one specialty in particular.
19 And mine was in obstetrics and gynecology at the
20 University Hospital.

21 THE COURT: You got your M.D. in 1981?

22 THE WITNESS: Yes.

23 THE COURT: M.D.?

24 THE WITNESS: Yes.

25 THE COURT: Then internship where?

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1 THE WITNESS: University Hospital at the
2 Puerto Rico Medical Center.

3 THE COURT: Specialty?

4 THE WITNESS: I did my specialty at the
5 University Hospital, in the same program, --

6 THE COURT: Actual?

7 THE WITNESS: -- in obstetrics and
8 gynecology. And I finished in 1985.

9 THE COURT: Go ahead.

10 MR. SOLER MUÑIZ: Okay.

11 BY MR. SOLER MUÑIZ:

12 Q. Where did you do that residency in obstetrics
13 and gynecology?

14 A. At the University Hospital in the Puerto Rico
15 Medical Center.

16 Q. Okay. What did you do there during your
17 residency? Could you -- could you please tell me what
18 -- what sort of tasks or things you would do as a
19 resident?

20 A. Well, as a residence, you have a core
21 curriculum that is standard for all accredited
22 residencies in obstetrics and gynecology, where you
23 rotate through obstetrics, through labor room, through
24 general gynecology, through gynecologic cancer.

25 You can do electives in urology. You can do

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1 it in anesthesia. You do some pathology and internal
2 medicine.

3 And you graduate with a base -- you finished
4 your program, and you are board qualified after you
5 complete certain requirements in terms of months in
6 order for you to take the Board.

7 Q. And what are those requirements in order for
8 you to take the Board?

9 A. Well, there is a minimum requirement of, I
10 think it was eight months of general obstetrics, eight
11 months of labor room, eight months in gynecology, for a
12 total of more or less 42 months of requirements.

13 And the other months, the other six or seven
14 months, are in electives.

15 Q. Okay. Let's go one by one of the ones that
16 you mentioned. You mentioned labor room, correct?

17 A. Yes.

18 Q. What is that labor room?

19 A. Well, labor room is where the patients in
20 labor go, the ones who are having their babies.

21 At the University, when I was a resident, the
22 half of the population there was general obstetrics,
23 which means obstetrics -- non complicated obstetric
24 patients.

25 And the other half we attended for the

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1 population of Puerto Rico at that time the high risk
2 pregnancies that went there, that included premature
3 labors, preeclampsia, the whole book.

4 Q. Okay. And what is premature labor?

5 A. Well, premature labor is a patient who goes
6 into labor before the 37th week of pregnancy
7 basically, --

8 Q. Perform a --

9 A. -- the 37th week of pregnancy by definition.

10 Q. And how many of those patients did you treat
11 as a resident there in the premature labor patients?

12 A. As a resident, around 500 approximately --
13 you're talking about premature?

14 Q. Premature.

15 A. Yeah.

16 Q. And how many that would not be premature, of
17 the regular population?

18 A. Thousands.

19 Q. Okay. And you finished your residency at the
20 San Juan Municipal Hospital in what year?

21 A. I didn't really finish in San Juan City
22 hospital. I finished in the University.

23 Q. I'm sorry. In the University.

24 A. Yes.

25 Q. In what year?

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1 A. In 1985.

2 Q. Okay. And what did you do next?

3 A. I stayed as a part-time faculty member in the
4 Department of obstetrics and gynecology --

5 Q. Okay.

6 A. -- of the University of Puerto Rico --

7 Q. And then --

8 THE COURT: Part-time?

9 THE WITNESS: Excuse me?

10 THE COURT: You were a part-time professor?

11 THE WITNESS: Yeah. A 20 hour, half --

12 THE COURT: Faculty member?

13 THE WITNESS: Yes.

14 BY MR. SOLER MUÑOZ:

15 Q. And will you tell us what that faculty member
16 entailed?

17 A. Well, it was about supervision of residents,
18 preparing lectures, attending schooling, doing
19 research. I was assigned the labor room, as
20 the attending of the labor room and the emergency room
21 on Tuesdays.

22 Basically, that was what we did.

23 Q. Okay. And what were your duties in charge
24 of the labor room?

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1 A. Well, my duties in charge of the labor room
2 was supervising and counseling and teaching residents
3 on -- on the patients that we had there for the day.

4 We had to supervise the operations that were
5 on the labor room, operating room, the Cesarean
6 sections, sterilizations', D&C's, delaspes (sic).

7 Q. And what else if anything did you do besides
8 being a part-time professor there?

9 A. Well, I had my -- my practice. At that time,
10 it was Dr. Teresa Mangual.

11 THE COURT: What's happening here with the
12 microphones?

13 COURTROOM CLERK: Somebody's --

14 (There is a short pause in record)

15 THE COURT: Alright. Go ahead.

16 That's important. But I won't think to call
17 them up there if you prepare a transcript.

18 MR. SOLER MUÑIZ: Yes.

19 THE COURT: Alright. Go ahead.

20 MR. SOLER MUÑIZ: Okay.

21 BY MR. SOLER MUÑIZ:

22 Q. Doctor, you were stating that you had a
23 practice.

24 A. Yeah.

25 Q. Go ahead.

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1 A. We established a practice in general
2 obstetrics and gynecology in 1985 at the El Amal
3 building on [Piñeiro Avenue] for the purpose of
4 treating private patients in obstetrics and gynecology.

5 Q. Okay. And for how long did you have that
6 practice at that location?

7 A. At that location, I stayed until 1997, when I
8 moved to Plaza Las Américas.

9 Q. Okay. And there --

10 THE COURT: Until 1987?

11 THE WITNESS: 97. 1997, we moved -- I moved
12 to [Tower] Plaza Las Américas.

13 BY MR. SOLER MUÑIZ:

14 Q. And at what -- at that location, with -- with
15 whom else if anyone did you practice?

16 A. At the El Amal?

17 Q. Yes.

18 A. Yes. Well, Teresa left for a teaching
19 position in the United States in 19 --

20 Q. Who -- what -- what Teresa?

21 A. Teresa Mangual.

22 Q. Okay.

23 A. She left, and then I --

24 Q. Who was she?

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1 A. Huh? She was a classmate of mine from the
2 University Medical School in the obstetrics and
3 gynecology department.

4 Q. Okay.

5 A. We did a practice, a combined practice, a
6 group practice.

7 Q. Who else was part of the group?

8 A. After Teresa left, I stayed for some time
9 alone, and then Alberto de la Vega and Jesús Cadbury
10 was -- joined us, or me.

11 They had their separate practice, and we had
12 a society, a partnership of expenses.

13 Q. Okay. Have you seen Alberto de la Vega
14 lately?

15 A. Yes. I saw him yesterday.

16 Q. Who is he?

17 A. He is the gentleman who's sitting in the
18 middle of the second row with the Defendant.

19 Q. Could you -- could you -- could you please
20 point to him?

21 A. Yes.

22 (This is done)

23 THE COURT: Could you please stand up.

24 (This is done)

25 THE COURT: Alright.

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1 BY MR. SOLER MUÑIZ:

2 Q. Do you -- do you know what participation if
3 any he has in this case?

4 A. Well, he's an expert witness for the defense.

5 Q. And he was part of the group that you
6 practice in at El Amal?

7 A. Yes. Yes. For some time.

8 Q. Okay. Then, was he your student at any point
9 in time?

10 A. He was my co resident when I was a resident.
11 And, when I graduated, he graduated about three years
12 after. I think he was my intern when I was a senior
13 resident.

14 Q. And where was that?

15 A. At the University Hospital.

16 Q. Okay. What kind of patients did you -- did
17 you take care of, did you treat while you were at the
18 practice, your practice at El Amal?

19 A. Well, at the El Amal, I treated obstetric
20 patients until Teresa left.

21 Afterwards, I had done my special training in
22 obstetrics surgery, and I was more dedicated to
23 gynecology and cancer patients.

24 Q. Okay.

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1 A. So, I was not doing obstetrics at El Amal. I
2 started doing obstetrics again in 1994 as part of the
3 Puerto Rico health reform, because I was in another
4 group practice that attended patients from the Arecibo
5 area of the health reform.

6 Q. Okay. Tell us something more about --

7 THE COURT: Let me be sure I've got this
8 straight

9 THE WITNESS: Yes.

10 THE COURT: You could do obstetrics to who?

11 THE WITNESS: In 1988, I quit.

12 THE COURT: In 1988?

13 THE WITNESS: In 88, as in prior practice. I
14 continued at the University, but I did not see any
15 obstetric patients in my private office.

16 THE COURT: Thank you.

17 MR. SOLER MUÑIZ: Okay.

18 BY MR. SOLER MUÑIZ:

19 Q. So, did you quit or not obstetrics in --
20 completely in 1998?

21 A. 88.

22 Q. Yes.

23 A. 88, I quit for some years, and I was offered
24 a position in a group practice that was going to be
25 taking care of patients of the health reform --

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1 Q. Okay.

2 A. -- in the Arecibo area. And I was based in
3 Manatí.

4 Q. Where was that prac -- with whom did you
5 practice there?

6 A. Well, we -- there was Dr. Ángel Gelpi Guzmán
7 was the director of the group.

8 Carlos Blanco Ramos was the director of the
9 IPA that was taking care of various IPA's there at the
10 Doctors Center in Manatí.

11 Q. What is -- what is an IPA?

12 A. An independent practitioners association,
13 which is a group that is combined with -- composed of
14 pediatricians, obstetricians, general practitioners,
15 for the purpose of offering services to a managed-care
16 program.

17 Q. Okay. What did you do in the hospital from
18 1988 through 1992?

19 A. In the --

20 Q. I'm sorry. In the University.

21 A. Well, I -- I kept my same duties, with the
22 addition that I was --

23 Q. Which -- which were what?

24 A. Well, the supervision of residents, the
25 teaching, supervision of the labor room.

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1 And then, I was appointed director of the
2 division of gynecological oncology in 1988, after a
3 passed the Boards.

4 Q. Okay.

5 THE COURT: Director of what?

6 THE WITNESS: Gynecologic oncology. That's
7 the treatment of women with gynecologic cancer.

8 BY MR. SOLER MUÑIZ:

9 Q. What other duties were you provided at the
10 University?

11 A. Well, we had a relationship with the
12 oncological hospital, which was the main base for
13 cancer patients, and I was also assigned as a member of
14 the faculty to the oncologic hospital.

15 In addition to seeing obstetric and
16 gynecologic patients and operating, etc..

17 Q. Okay. And the practice in Arecibo, --

18 A. Yes?

19 Q. -- what kind of patients did you see there?

20 A. Well, we see -- we saw about half of the
21 patients were obstetric patients, and we had a locale
22 dedicated to obstetric patients, with sonograms and
23 everything like that.

24 And we also saw gynecologic -- general
25 gynecologic patients.

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1 Q. And until what time did you practice there?

2 A. I left there in February 2002.

3 Q. Of 2000?

4 A. 2.

5 Q. Okay. What kinds of obstetric patients did
6 you -- did you see there?

7 A. Everything. Everything.

8 Most of them were uncomplicated obstetric
9 patients, but some had diabetes, some had other
10 conditions, twin pregnancies, congenital malformations,
11 premature labors, you name it.

12 It's a high risk population, because it's
13 from a low socioeconomic status. And, obviously, they
14 have higher complication rates.

15 Q. Okay. How many obstetric patients did you
16 treat there at the Arecibo practice?

17 A. Well, thousands. It was an eight year
18 period, and we saw 40 patients a day, two days a week.
19 So, do the math.

20 Q. Okay. Where else if anywhere did you
21 privately practice medicine?

22 A. Well, in private practice, I -- after I left
23 El Amal, I went to Plaza Las Américas, the Tower, where
24 I shared an office with Dr. John Pagán who is -- who is
25 a plastic surgeon.

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1 Q. And what did you do there?

2 A. Well, I did there the same as I did in El
3 Amal after I left obstetrics. I saw gynecology
4 patients, cancer patients.

5 Q. Okay.

6 A. And that was until September of 2000 I think.

7 Q. What happened in 2002?

8 THE COURT: So, you left this office?

9 THE WITNESS: Well, I left the office -- it
10 was in 2000, because I was diagnosed with cancer.

11 BY MR. SOLER MUÑIZ:

12 Q. When were you diagnosed with cancer?

13 A. At the end of 2000.

14 Q. And what happened?

15 A. Well, I left the private practice. I didn't
16 know what was going to happen. I have to dedicate
17 myself to my treatment.

18 Q. What kind of cancer did you have?

19 A. Throat cancer.

20 Q. Okay.

21 THE COURT: What kind?

22 THE WITNESS: Throat cancer.

23 Then, I stayed at the oncologic hospital.

24 There was an office I could see private patients. Some
25 of them went with me there; some, didn't.

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1 But I maintained a private practice at the
2 oncologic hospital.

3 At the beginning, everything was going
4 smoothly, and, then, in 2003, I had a relapse. And I
5 decided to take a sabbatical to take care of my health
6 and to write the book I had begun about the treatment
7 of cancer patients.

8 MR. SOLER MUÑIZ: Okay.

9 BY MR. SOLER MUÑIZ:

10 Q. In terms of certifications that you may have,
11 do you have any?

12 A. Well, I have the special qualification in
13 pelvic surgery, which I did in an affiliation with
14 University of Alabama at Birmingham. And I was --

15 THE COURT: Well, you're going too fast.
16 Because, remember, you'll probably think I'm a doctor,
17 but I'm not. So, certification in what?

18 THE WITNESS: Well, I did a special
19 certification in pelvic surgery.

20 THE COURT: In what surgery?

21 THE WITNESS: Yes.

22 THE COURT: What -- what kind of surgery?

23 THE WITNESS: Pelvic surgery.

24 THE COURT: Pelvic surgery?

25 THE WITNESS: Yes.

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1 THE COURT: Yes. Go on.

2 THE WITNESS: Go ahead?

3 THE COURT: Go ahead.

4 THE WITNESS: Well, --

5 THE COURT: He finished my -- he answered me.

6

7 MR. SOLER MUÑIZ: Okay.

8 BY MR. SOLER MUÑIZ:

9 Q. So, where did you do that specialty in pelvic
10 surgery?

11 A. Well, the -- it was a collaborative with the
12 University of Alabama in Birmingham. They did a cancer
13 patients, cervical cancer patients, and I needed
14 training in -- in pelvic surgery.

15 So, we did a quid pro quo. They came here,
16 and I went there, and they gave me the certification.

17 Q. Okay. And -- and -- and what did you do
18 within that program?

19 A. Well, it extended my abilities as a
20 gynecologic surgeon to -- to having training in
21 urologic surgery, as well as abdominal and
22 gastrointestinal surgery, which is -- are organs that
23 are within the pelvis, and, doing cancer surgery, you
24 may have to do procedures on them.

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1 So, they gave me the special training to do
2 that.

3 THE COURT: What year was that, Doctor?

4 THE WITNESS: 1987.

5 THE COURT: When they certified you?

6 THE WITNESS: Then, they gave me privileges
7 at the University, at the University Hospital in the
8 oncologic hospital, to do procedures in addition of
9 gynecology, in general surgery procedures and urology
10 procedures.

11 THE COURT: Go ahead.

12 BY MR. SOLER MUÑIZ:

13 Q. In terms -- in terms of the oncologic
14 Hospital, --

15 A. Yes?

16 Q. -- could you tell us what were your duties
17 there?

18 A. Well, I was a -- first, the faculty, and then
19 I --

20 Q. What is faculty?

21 A. I -- it's a member of the hospital -- of the
22 faculty of a hospital which is composed of doctors of
23 various specialties. And I began as a general
24 attending there. It's also a teaching hospital.

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1 I became director of gynecologic -- of
2 gynecology there in 1993 and was there for 10 years.
3 In 1993, I was also named president of the medical
4 staff, a position I held for five years.

5 Q. What is president --

6 THE COURT: Medical staff of what?

7 MR. SOLER MUÑIZ: Yes.

8 BY MR. SOLER MUÑIZ:

9 Q. What is President of medical staff -- medical
10 staff of where?

11 A. Of the oncologic hospital.

12 Q. Okay. And what is that? That President of
13 the medical staff?

14 A. That's the people who have active privileges
15 within the institution are called the medical staff.

16 There are dentists, there are radio
17 therapists, there are surgeons, there are
18 cardiologists. And they named me as president of that
19 staff.

20 THE COURT: The radiologists, okay (sic).

21 THE WITNESS: The oncologic hospital is
22 within the medical center. It is east of the medical
23 school.

24 BY MR. SOLER MUÑIZ:

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1 Q. And what were your duties there as president
2 of the medical staff?

3 A. Well, as president of the medical staff, I
4 was the liaison between and the administration, the
5 board of directors, and the faculty. I presided the
6 executive committee of the hospital, and, obviously, my
7 duties as a staff member.

8 Q. What were your duties as staff member?

9 A. Well, I saw every new cancer patient that
10 came in. I -- I evaluated, and I was, like, the
11 screener.

12 I operated on the patients that arrived with
13 cancer. I distributed the patients according to
14 criteria to the other gynecologists who practiced
15 there. I supervised the clinics. I gave teaching to
16 the various residency programs that rotated in -- in
17 the oncologic hospital.

18 Q. Okay. How long did you teach students about
19 obstetrics and gynecology at the University? For how
20 long?

21 A. It was about 26 years.

22 Q. Okay.

23 MR. VIVAS: Excuse me. I didn't get the
24 answer.

25 THE WITNESS: 26 years more or less.

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1 MR. VIVAS: 26?

2 THE WITNESS: Yes.

3 MR. SOLER MUÑIZ: Teaching students of
4 obstetrics and gynecology.

5 BY MR. SOLER MUÑIZ:

6 Q. And what is your current standing with the
7 university today?

8 A. Well, as I said, I took a sabbatical. I was,
9 as I noted, attending for the Department of general
10 surgery when I retired in 2003.

11 Obviously, I'm not employed there. And I
12 have no relationship at this time with the University.

13 Q. What -- what memberships -- you're a member
14 of what, if any, memberships?

15 A. Well, I -- I am a member right now of the
16 Society for law, ethics, and medicine. That's my only
17 active membership at this time.

18 Q. Okay. Do you remember --

19 MR. MIRANDA DALECCIO: Excuse me. I didn't
20 hear that -- sorry -- I did hear the last answer.

21 THE WITNESS: My only active membership is
22 the Society for law, ethics, and medicine.

23 MR. SOLER MUÑIZ: Okay.

24 BY MR. SOLER MUÑIZ:

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1 Q. And what have memberships been? What other
2 memberships have you had if any before today?

3 A. Well, I was a member of the American Board of
4 obstetricians and gynecology when I was board
5 certified.

6 Q. What is that?

7 A. That is an association of obstetricians and
8 gynecologists who have complied with the requirements
9 of the American Board of obstetrics and gynecology.

10 Q. Okay. Any other memberships you might have?

11 A. I was a member until 1997 of the American
12 College of obstetricians and gynecologists. I was a
13 member of the American Society for post op and cervical
14 pathology. I was a member of the American Laser
15 Society. I was a member of the gynecologic laser
16 Society. I was a member of the [Medical Association of
17 Puerto Rico], [Medical School of Puerto Rico], and
18 others I cannot remember right now.

19 Q. Within the hospital, the oncologic hospital,
20 and the University, what have your administrative
21 positions been?

22 A. Well, in 1985, I was the administrative chief
23 resident for the Department of obstetricians and
24 gynecology. That's a liaison between the residents and
25 the attendings.

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1 I was later on named director of gynecologic
2 oncology at the Department of obstetrics and
3 gynecology. And then, I was named the director of
4 gynecology at the oncologic hospital.

5 Then, the one I said about presiding the
6 faculty, I was a member of the Board of directors of
7 the [Puerto Rican League against cancer] during the
8 time of -- I chaired the faculty staff.

9 Q. Okay. Have you been board certified in
10 obstetrics and gynecology at any point in time?

11 A. Yeah. I was certified in obstetrics and
12 gynecology since December 1987 until December 1997.

13 Q. Okay. And what does that mean to be board
14 certified in obstetrics and gynecology?

15 A. Well, it puts you in -- in a special category
16 within the -- within the profession. About 30% to 40%
17 of the obstetrics and gynecologists in the United
18 States are members of the board.

19 I was a member of the board for 10 years.

20 Q. Okay. And, after those 10 years, did you re
21 certify?

22 A. I was supposed to recertify in 1997, but I
23 did not attend the recertification process.

24 Q. Okay. Any particular reason why you did not?

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1 A. Well, I had enough work and no time to study
2 for that. So, I didn't go.

3 Q. Were you required to be board certified to
4 practice obstetrics and gynecology?

5 A. No.

6 Q. What honors or recognitions have you had?

7 A. Well, I -- I was asked to give the special
8 lecture in the [Medical Association of Puerto Rico] for
9 2 years. I think --

10 Q. In what?

11 A. One was in biology, about the -- the -- the
12 affect of viruses in cancer. And the other one was in
13 cancer in general.

14 I was also named attending of the year for
15 two times when I was attending at the University
16 Hospital. I don't remember the years now. They are
17 in my CV if you want to --

18 I was named faculty of the year at the
19 oncologic hospital. And I was awarded the Isaac
20 González Martínez prize for contributions to the
21 [Puerto Rican League against cancer].

22 MR. SOLER MUÑIZ: May we have the witness be
23 shown ID -- Plaintiff's ID No. 3, please?

24 (This is done)

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1 MR. VIVAS: If I may, may I see that
2 exhibit, please?

3 MR. SOLER MUÑIZ: [Yes].

4 (This is done)

5 (Documents are reviewed)

6 THE WITNESS: Okay.

7 BY MR. SOLER MUÑIZ:

8 Q. Have you had the opportunity to look at the
9 document that was handed to you?

10 A. Yes.

11 Q. Sir?

12 A. Yes.

13 Q. And what is that document I'm showing you?

14 A. It is a curriculum vitae of my --

15 Q. Okay.

16 A. -- my curriculum vitae updated to January of
17 2004.

18 Q. Okay. Do you have any other curriculum vitae
19 besides that one?

20 A. Yeah. I have one from October 2008.

21 MR. VIVAS: We have an objection.

22 MR. MIRANDA DALECCIO: Objection.

23 MR. VÁZQUEZ SANDOVAL: Objection.

24 MR. VIVAS: May I please the Court?

25 THE COURT: Yes.

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1 MR. VIVAS: The curriculum vitae that was
2 provided to defendants under the Rule 26 of the Federal
3 Rules of Civil Procedure disclosures was the January
4 2004 curriculum vitae.

5 We were never -- never provided through the
6 deposition which was taken of Dr. Ramirez -- twice?

7 THE WITNESS: No. Once.

8 MR. VIVAS: Or, during the deposition that
9 was taken to him.

10 THE COURT: By whom?

11 MR. VIVAS: By defendants. That --

12 MR. SOLER MUÑIZ: They never asked.

13 THE COURT: Wait, wait, wait, wait.

14 A deposition by -- taken by defendant of his
15 own expert?

16 MR. VIVAS: No, no, no. Of Dr. Ramirez.

17 THE COURT: Dr. Ramirez. Oh, okay.

18 MR. VIVAS: Yes. Of Plaintiff's expert.
19 That October 2008 curriculum vitae was never produced.

20 It surprised the defendants. And we object
21 any reference to any education, training, or experience
22 after January 2004, that was the disclosure under Rule
23 26 that was provided and never actualized to
24 defendants.

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1 MR. MIRANDA DALECCIO: May I add something
2 else, Your Honor, --

3 THE COURT: Yeah.

4 MR. MIRANDA DALECCIO: -- in defense of the
5 objection?

6 From February by this year you requested to
7 all parties to produce the curriculum vitae for your
8 review. And the one that was produced is the one that
9 has Dr. Ramírez in the hand right now. The one from
10 January -- October 2008 was not produced.

11 COURTROOM CLERK: No. He has 2008.

12 MR. SOLER MUÑIZ: No. 2004.

13 MR. MIRANDA DALECCIO: He has 2004.

14 COURTROOM CLERK: Okay.

15 MR. MIRANDA DALECCIO: And the Court
16 requested the curriculum vitae at the end of varieties
17 (sic) here, of all that's in this instance (sic).

18 MR. SOLER MUÑIZ: I'm not -- I'm not moving
19 the curriculum vitae. I'm just asking if he has
20 another curriculum vitae. That's my question. I
21 haven't moved to mark another curriculum vitae as an
22 ID.

23 THE COURT: We are dealing with where the
24 Court will allow Dr. Ramírez to serve as an expert
25 witness in this case. That I have to rule on that now.

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1 And I don't think that it will interfere. It may well
2 in all the knowledge, taking into consideration what
3 you just brought up. But the Court for you has the
4 curriculum vitae from 2004 to 2008, to have both as, if
5 this gets to the circuit court, they'll have the
6 benefit of everything.

7 So, there's amply one from 2004 to 2008. If
8 that exists?

9 MR. SOLER MUÑIZ: There's one for 2008, Your
10 Honor.

11 THE COURT: Alright. Never fight with the
12 Court.

13 MR. SOLER MUÑIZ: We never fight with the
14 Court.

15 THE COURT: Alright.

16 MR. MIRANDA DALECCIO: You mean, it's
17 produced to the parties, Your Honor.

18 THE COURT: Yes.

19 MR. MIRANDA DALECCIO: Alright.

20 COURTROOM CLERK: As part -- 2004 will be
21 (a), and the one of 2008 will be (b).

22 MR. SOLER MUÑIZ: Okay.

23 (Plaintiff Exh. No. 3 (a) and 3 (b)
24 are remarked for identification)

25 THE COURT: Wait a minute. Wait a minute.

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1 (Documents are reviewed)

2 THE COURT: Mr. Ramirez, proceed, please.

3 MR. SOLER MUÑIZ: Yes.

4 BY MR. SOLER MUÑIZ:

5 Q. Doctor, I'm showing -- another document has
6 been shown to you. Could you please identify it?

7 A. Yeah. This is the updated curriculum vitae
8 which contains the same things as the 2004, in addition
9 to the things I've done in 2004 to October last year.

10 Q. Okay. Let's talk first about the things you
11 have done since 2004 to 2008. Could you tell me what
12 are those?

13 A. Okay. Basically, what we have here is the
14 dates of when I quit my active practice, which is --

15 Q. When was that?

16 A. That was in 2003, August 2003. That's the part
17 where it says professional experience, which is in
18 addition for the -- my curriculum vitae.

19 Then, I was in academic practice until 2005
20 at the center -- the cancer center in Manatí. And I
21 became consultant and adviser to Immunologic Quality
22 Consultants, which is a company that --

23 Q. What is that?

24 A. It's a company that deals with certifying
25 physicians for practice in the Medicare advantage

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1 Program, which is a company owned by my wife. She's
2 the president and sole owner of the company. And I
3 help her with the credentialing aspect, with the
4 lectures aspect to seminars to hospitals about the
5 health portability privacy Act, HIPA.

6 Q. What is credentialing, Doctor?

7 A. Basically, the Medicare advantage programs are
8 -- are directed at groups of Medicare patients that go
9 to health maintenance organizations like, for example,
10 [Auxilio Platino], and the federal government and the
11 health department require that the physicians who are
12 going to participate as providers be certified by a
13 company that has access to what is called private
14 source verification, which means that this company will
15 let us know the standing of this physician, if he has a
16 license to practice, where from is his license, where
17 he graduated from, what is his DEA number if he has
18 any, etc., how many lawsuits he has been involved, if
19 his license has been suspended or revoked in any states
20 of the -- any state of United States.

21 And, then, we offer -- and that is my job --
22 recommendations as to what to do with this particular
23 provider so that the company desires -- decides to hire
24 him or not.

25 Q. Okay.

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1 THE COURT: You are referring to your own
2 curriculum vitae of that, Doctor?

3 THE WITNESS: I do an evaluation --

4 THE COURT: An evaluation? Can you --

5 THE WITNESS: -- of the -- of the credentials
6 of these doctors.

7 THE COURT: Can we call it, like, a
8 curriculum vitae of the doctors, but includes other
9 aspects like what you said, what -- has he been
10 disbarred or --

11 THE WITNESS: Yeah. What the --

12 THE COURT: -- and other things, and then you
13 give an opinion?

14 THE WITNESS: Yes. I receive from the
15 company documentation about the history of these
16 physicians. That you may call the curriculum vitae.

17 I evaluate it, and then I do a
18 recommendation.

19 MR. SOLER MUÑOZ: Okay.

20 THE COURT: Alright. Wait a minute.

21 (Documents are reviewed)

22 THE COURT: Your wife is a Doctor?

23 THE WITNESS: No.

24 THE COURT: Go ahead.

25 MR. SOLER MUÑOZ: Okay.

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1 BY MR. SOLER MUÑIZ:

2 Q. Besides doing credentialing for that company,
3 have you done credentialing before, and for whom?

4 A. Well, I did credentialing as part of my duties
5 when I was an attending and when I was the president of
6 the medical staff at the oncologic hospital.

7 Q. When you were an attending where?

8 A. At the University of Puerto Rico.

9 THE COURT: By credentialing, you mean
10 evaluation?

11 THE WITNESS: Yeah.

12 MR. SOLER MUÑIZ: Yes.

13 THE COURT: Alright. For the lasting terms,
14 you use the evaluation.

15 MR. SOLER MUÑIZ: Okay.

16 BY MR. SOLER MUÑIZ:

17 Q. In -- in terms of -- what difference if any is
18 there in the credentialing you do at Innovative Quality
19 Consultants compared to the credentialing that you did
20 at the University?

21 A. Well, here, what I do is do a recommendation.
22 When I worked at the University, I had to study the
23 credentials of the individual to see if he was
24 qualified to practice in my hospital. And then, I was
25 part of the qualification process.

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1 Here, I only do a recommendation.

2 Q. And there?

3 A. I had -- I had to participate, and I was liable
4 during the credentialing process, because I was
5 receiving a new attending, for example.

6 THE COURT: You took the position there, here
7 he had come in?

8 THE WITNESS: Yes. Basically, that's
9 something -- thank you.

10 THE COURT: Go ahead.

11 MR. SOLER MUÑIZ: Okay.

12 BY MR. SOLER MUÑIZ:

13 Q. Any other difference between the 2004 and 2008
14 --

15 A. Well, the --

16 Q. -- curriculum vitae?

17 A. -- the other addition is that about the
18 lectures and research. I am doing health law and IPA,
19 medical malpractice, AMTALA, some through your company
20 as a lecturer for -- for [seminario jurídico].

21 THE COURT: You'll be doing that after 2004?

22 THE WITNESS: Yeah. That's when it began.

23 We did some lectures beforehand, because the
24 AMTALA law has been around since 1986. Obviously, we
25 had to -- to give lectures about that to when I was --

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1 THE COURT: About the AMTALA?

2 THE WITNESS: About the AMTALA. When I was -
3 - when I was a physician, because we had to teach the
4 residents what AMTALA meant and what were their
5 responsibilities under law.

6 Because, we had an emergency room, and I -- I
7 was an attending at the emergency room for -- for
8 months at -- all of the time I would say I was at the
9 Medical Center and.

10 But, now, it's more from the teaching
11 perspective and not only through the practice
12 perspective.

13 MR. SOLER MUÑIZ: Okay.

14 BY MR. SOLER MUÑIZ:

15 Q. At the University, what would you teach the
16 residents about AMTALA?

17 A. Well, about the responsibilities under the law
18 of attending patients when they went into the emergency
19 room, about how --

20 THE COURT: But is he doing that now?

21 MR. SOLER MUÑIZ: No.

22 THE COURT: At the University. He's not
23 teaching there?

24 THE WITNESS: No. No.

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1 THE COURT: So, we're not dealing -- I
2 thought we were dealing from 19 -- from 2004 to 2008,
3 no? We're getting to that?

4 MR. SOLER MUÑIZ: No. I was just asking what
5 differences if any other were between the 2004
6 curriculum vitae and the 2008 curriculum vitae. That
7 was the question.

8 THE COURT: Well, I'm a little bit confused,
9 but go ahead.

10 MR. SOLER MUÑIZ: Okay.

11 BY MR. SOLER MUÑIZ:

12 Q. Let's -- let's -- let's go back and deal with
13 this in order -- okay? Let's take the curriculum vitae
14 -- okay? -- let's take the 2008 curriculum vitae and
15 go step by step --

16 A. Okay.

17 Q. -- okay?

18 So, you have already stated what University
19 you did your degree. That was the University of Puerto
20 Rico, your bachelor's degree in science.

21 A. Yes.

22 Q. You have stated that you did medicals too at
23 the University of Puerto Rico, graduating when?

24 A. 1981.

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1 Q. Okay. Then, your internship, what was your
2 internship?

3 A. In 1981 to 1982.

4 Q. And in what?

5 A. In obstetrics and gynecology.

6 Q. Okay. And, then, your residency, where was
7 that?

8 MR. VIVAS: Objection, Your Honor. Asked
9 and answered. He's just repeating everything that has
10 been testified.

11 THE COURT: No, no, no, no.

12 Go ahead.

13 MR. SOLER MUÑIZ: Okay.

14 BY MR. SOLER MUÑIZ:

15 Q. Then, yes, residency?

16 A. My residency was in obstetrics and gynecology,
17 and that was in 1982 to June 1985.

18 Q. Okay. Continue through the curriculum vitae,
19 please.

20 A. Well, I had, what I said, the special
21 qualification pelvic surgery. Then, I did a special
22 qualification in operative laparoscopy.

23 Q. What is that?

24 A. Well, that's doing surgery through an
25 instrument, that they use what they call a minimally

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1 invasive surgery. It's, like, a rod with light and
2 vision, and you put it inside the abdomen -- in my case
3 -- inside the abdomen. And, then, through other
4 entrances, you pass instruments, and you can do
5 ovariectomies which is removal of the ovaries; you can
6 do sterilizations'; you can take out a uterus or do a
7 hysterectomy.

8 I published, which is in my curriculum vitae,
9 the first 11 radical hysterectomies done through the
10 laparoscope, and that was basically a study we -- we
11 did as part of our research. It's not standard
12 practice. But it was done.

13 And that's the purpose of operative
14 laparoscopy.

15 Q. Okay. Then, board certification?

16 A. Yeah. I had the second part of the board
17 approved in 1987. And, as I said, I was due to
18 recertify in 97, and I didn't.

19 Q. Okay. Continue.

20 A. Well, I was an academic -- it goes into
21 academic positions, and this is -- I was appointed
22 instructor in obstetrics and gynecology at the
23 University of Puerto Rico, and was -- I was promoted to
24 assistant professor of obstetrics and gynecology in
25 1988.

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1 Then, I became assistant professor of
2 obstetrics and gynecology, but with the general surgery
3 department. The board, the surgery board required that
4 the surgery department have an in-house gynecologist in
5 order to be approved by the Board of general surgery,
6 and they asked me to do that. And I was -- I then
7 transferred from obstetrics and gynecology to the
8 Department of surgery.

9 As I said before, my professional experience:
10 I quit private practice in 2003. I quit academic
11 practice in 2006. And then I became an adviser and
12 consultant to Innovative Quality Consultants.

13 And all the lectures we spoke about, the
14 memberships, I said I was a fellow of the American
15 College. I was a fellow of the American Society of
16 post op and cervical pathology, a fellow of the
17 gynecological laser society, a fellow of the American
18 Association of gynecological laparoscopy, a member of
19 the College of physicians and surgeons, a member of the
20 Puerto Rico Medical Association, and now I am working
21 with the American Society of law, medicine, and ethics
22 since last -- since the two years ago.

23 My administrative positions were
24 administrative chief resident for ob/gyn at the
25 University hospital. I was a director of the division

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1 of gynecological oncology at the University of Puerto
2 Rico. I was the director of the department of
3 gynecology at the oncologic hospital in Centro Médico.
4 I was director of the division of gynecologic oncology
5 at the San Juan City hospital since 1995 to 1998. I
6 was a director of the Division of gynecologic oncology
7 at the Caguas regional hospital. I was president of
8 the medical staff at the oncologic hospital on 1993 to
9 1997. I was elected as a vice president of the student
10 council of the National Sciences and faculty at the
11 Recinto de Río Piedras in 1975. Then, I became
12 president of the student council of the natural Science
13 faculty in 1976.

14 I was a member at large of the general
15 student council of the University of Puerto Rico in Río
16 Piedras in 1977. I was a member at large of the
17 executive committee of the oncologic hospital in 1992-
18 '93. And, then, I became president of the staff in
19 1993 and in 1997.

20 I go into my medical experience. I was
21 attending, supervising interns and residents in
22 surgery, emergency room, labor room, and outpatient
23 clinics at the University Hospital per se since 1985 to
24 1994.

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1 I was attending, supervising interns and
2 residents in surgery, the emergency room, the labor
3 room, and outpatient clinics at the oncologic hospital
4 in 19 --

5 Q. Please talk a little bit slower.

6 A. Oh, sorry.

7 THE COURT: Well, yes. He can. You say that
8 he --

9 MR. SOLER MUÑIZ: Yes. I -- I just want him
10 to be slower so Your Honor could understand.

11 THE COURT: No, no. I quit writing. We have
12 it there.

13 MR. SOLER MUÑIZ: Okay.

14 THE COURT: It's impossible for me to take
15 those notes.

16 MR. SOLER MUÑIZ: Okay.

17 BY MR. SOLER MUÑIZ:

18 Q. Go ahead.

19 A. Okay. I was attending at the -- at the
20 oncological Hospital since 1985 to 2003. I was
21 attending, supervising interns and residents in
22 surgery, emergency room, the labor room, and outpatient
23 clinic at the San Juan City hospital since 2005.

24 Active faculty at University Hospital, 1985
25 to 1994. I was active faculty at the oncologic

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1 hospital of the dates I stated before. I was active
2 faculty at teachers hospital in 1985 until -- until
3 1989. And I was active faculty at Pavia hospital in
4 1989 to 1993. I was active faculty at Doctors Center
5 Hospital in Manatí, and consultant to the cancer center
6 in 1994 to present.

7 I am active faculty at the San Juan City
8 hospital in 1995 to 2004. Emergency room moonlighting
9 with [Administration of medical services], 1982 until
10 1985 when I --

11 Q. What was that about the emergency room
12 moonlighting?

13 A. Well, that -- you do the night shift. And,
14 because of the contract the ASEM had with the
15 University, they paid you \$8 an hour, I think, for --
16 for doing the duties until 4:00 p.m. until 7:00 a.m.
17 the next day.

18 Q. On what?

19 A. On that --

20 THE COURT: Moonlighting does not mean
21 anything else (sic).

22 MR. SOLER MUÑOZ: Okay.

23 THE WITNESS: And -- and --

24 THE COURT: In this case.

25 MR. SOLER MUÑOZ: Okay.

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1 BY MR. SOLER MUÑOZ:

2 Q. And on -- on what did you practice here?

3 A. The ASEM emergency room at.

4 Q. Okay. And what did you do there?

5 A. Well, I saw patients that came in.

6 Q. Any kind of patient?

7 A. Any kind of patients. Mostly women.

8 Obviously, I was assigned to the area where they did
9 gynecology, but we also saw gunshot wounds, knife
10 fights, --

11 INTERPRETER/TRANSLATOR: "Stabs".

12 THE WITNESS: -- stab wounds -- Yeah, thank
13 you.

14 MR. SOLER MUÑOZ: Okay.

15 BY MR. SOLER MUÑOZ:

16 Q. Will you go into your honors and recognitions?

17 A. Well, the graduating residents of the
18 department honored me in 1993 as the attending of the
19 year. I received the Enrique Oliveras Guerra medal.
20 That is a medal that they give at the oncologic
21 hospital for special services.

22 Of the graduating residents of the Department
23 of obstetrics and gynecology, again, honored me in 1994
24 as attending of the year, and I received the Isar
25 González Martínez medal. Isar González Martínez is the

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1 founder of the [Puerto Rican League against cancer],
2 and the hospitals name is Isar González Martínez. In
3 '95.

4 And I gave the lectures, I said before, at
5 the Puerto Rico Medical Association in 1994 and 1998.

6 I was --

7 Q. Yes. Excuse me. What committee memberships
8 have you had? And when I say committee, what is
9 committee?

10 A. Well, a committee is a group of people who are
11 asked to do a specific task or not. And they are
12 appointed by the ruler of whatever place the committee
13 is. In the hospital setting, it is by the President
14 of the medical staff. He is the one who appoints the
15 committees.

16 Q. Okay. What memberships have you had in
17 committees?

18 A. Well, I was a member of the tissue committee at
19 the University Hospital for four years. I was a member
20 of the tissue committee also at the oncologic hospital
21 for the same amount of time.

22 I was chairman of the laser safety and
23 research committee at the University Hospital in 1992
24 to 1994. And I was chairman of the laser committee at
25 the Isar González Martínez hospital.

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1 And I said before -- it's not in this portion
2 of the curriculum vitae -- that I was chairman of the
3 executive committee of the oncologic hospital since
4 1993 to 1997 or eight -- I can't remember.

5 Q. Okay. Within your courses and seminars, you
6 mentioned you have given seminars in AMTALA. Could you
7 tell us what seminars in AMTALA you have given?

8 A. No, we -- we gave a lecture in one of your
9 seminars that covered a portion of AMTALA in the Puerto
10 Rico Bar Association. It was three years ago from what
11 I believe, what I remember. And then, we gave one two
12 years ago that was a specific lectures about AMTALA to
13 a group of lawyers and doctors for the purpose of
14 giving education credits.

15 Q. Do you remember what within AMTALA did you
16 cover in those seminars?

17 A. Well, I covered basically what are the minimal
18 requirements of a hospital for an emergency room, about
19 the criteria I have to meet to comply with the
20 emergencies and medical treatment Labor Act. We talk
21 about spinning (sic), about what patients you have to
22 see, what -- what you have to do with them, the medical
23 screening examination, the concept of stabilization, a
24 treatment, and of transfer or discharge. If it's a
25 patient or an obstetric patient.

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1 And that's basically what we covered on
2 those.

3 Q. And where did you get this information or
4 knowledge about AMTALA?

5 A. Well, we do continuing medical education on
6 AMTALA. I am -- I studied about the subject for --
7 during my career. It was a subject matter that was of
8 high interest to me, because, at that time, when I was
9 a resident, they dumped patients on us the private
10 hospitals. So, we were very happy when Congress
11 finally passed the Omnibus reconciliation Act of 19 --
12 or the cover act (sic) in 1986, that then prohibited
13 hospitals from dumping patients to public hospitals
14 which is the University Hospital.

15 Q. What is patient dumping?

16 A. Patient dumping is that, for example, -- I'm
17 going to give you an example -- a patient that has no
18 medical insurance, they just "You have no medical
19 insurance. I'm not going to see you here even if you
20 have an emergency medical condition. I am going to
21 transfer you to a public hospital".

22 And we received at the University Hospital --
23 and we still receive when I left -- patients that would
24 -- you could call dumping.

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1 Q. Okay. When did you first become acquainted
2 with AMTALA?

3 A. More or less when the time -- at the time when
4 Congress passed the law, in 1986-87.

5 Q. How do you keep abreast of AMTALA?

6 A. Well, I read the articles that come out through
7 the different internet sites, like Medlaw, the CMS
8 publications.

9 Q. What is CMS?

10 A. The -- I'll call it the organizational arm of
11 the Health and Human Services Department.

12 Q. Okay.

13 A. Centers -- Centers for Medicare services.

14 Q. Okay.

15 A. And they publish guidelines for -- for AMTALA,
16 among other things.

17 Q. And what do those guidelines about AMTALA
18 include or say?

19 A. Well, they basically -- the guidelines would
20 cover what -- what happens with a patient that is in an
21 ambulance, or what happens with a patient -- with a
22 labor room patient, or a labor -- or a patient that --
23 a woman that's pregnant.

24 For example, the latest stated was about two
25 years ago. A pregnant woman could not be discharged

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1 from hospital, only by a doctor. Now, a midwife can do
2 that, according to the AMTALA regulations.

3 Q. Okay. About the seminars that you gave to the
4 group of doctors and lawyers, do you know if that
5 seminar was accredited or not?

6 A. Yes.

7 Q. By whom?

8 A. It was approved by the Puerto Rico Bar
9 Association.

10 Q. Do you know how many credits?

11 A. I think eight credits. It was an eight hour
12 seminar.

13 Q. Do you know any other entity that accredited
14 that seminar, those seminars?

15 A. Not that I remember.

16 Q. Okay. In terms of your publications, Doctor,
17 what -- what have been your publications?

18 A. Well, I list my publications here. Those in a
19 peer review journals. I did one in obstetrics and
20 gynecology in 1987. I published one -- this was about
21 uterine cancer -- I published one in 1993 about
22 laparoscopic radical hysterectomies.

23 I published another one which was a follow-up
24 of the previous one in 1994 about the role of operative
25 laparoscopy in gynecologic oncology.

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1 Q. Okay. And what about research, Doctor?

2 A. Well, we -- as part of my -- my participation
3 with the University, we had a grant with the National
4 Institute of Health on -- on two subcommittees which
5 one was the gynecologic oncology group, and we
6 participated in studies with the gynecologic oncology
7 group. And I also participated on studies with the
8 radiotherapy oncology group.

9 In that group, I was chairman of the
10 subcommittee on uterine cancer.

11 Q. Okay. Any other abstracts or presentations
12 that you may have had?

13 A. Well, they are listed here in the -- in the --
14 I don't know if you want me to go through them.

15 Q. Briefly.

16 A. Huh?

17 Q. Briefly.

18 A. Well, basically, they were obviously
19 presentations at the meetings of the American College
20 of obstetricians and gynecologists district meetings.
21 There was one in the general meeting in Boston.

22 We did presentations also at the American
23 Society for post op and cervical pathology. The
24 gynecologic laser society we also presented a paper
25 about laser surgery for vulva carcinoma.

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1 Q. Okay. In terms of your knowledge of obstetrics
2 and gynecology since you last practiced obstetrics and
3 gynecology in private practice up to today, how that --
4 how that has come?

5 A. Well, I -- I do my CME credits. Every week, I
6 do one credit to the National Institute of Health or --
7 or E-medicine.

8 Q. What is the National Institute of Health?

9 A. That's a government -- a government sponsored
10 through the Health and Human Services Department
11 organization that has -- between the things that they
12 have to do is provide education and -- to physicians
13 and students of medicine.

14 Q. Okay. Do you know if the National institutes
15 of Health is a federal or a state entity?

16 A. No. It's a federal organization.

17 Q. Okay. And what about e-medicine?

18 A. E-medicine is a subcommittee of Medscape, which
19 is part of the National Institute of Health. What they
20 do is that they publish articles on -- on specific --
21 review articles on specific diagnoses in order that you
22 read them, you take a test, and they give you a credit.

23 Q. Okay. How do you get those materials from the
24 National Institute of Health and e-medicine?

25 A. Through the Internet.

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1 Q. Okay. You have said that you have been an
2 expert in cases before?

3 A. Yes.

4 Q. I ask you: in how many cases have you
5 participated if you have an idea?

6 A. Well, I participated --

7 THE COURT: Expert. As an expert?

8 MR. SOLER MUÑIZ: As an expert.

9 THE WITNESS: As an expert, in reviewing
10 records, in many, many cases. More than hundreds I
11 would say.

12 THE COURT: Wait a minute. Reviewing --
13 reviewing the records?

14 THE WITNESS: The records. They -- the
15 attorneys call me, "I have this record I want you to
16 review".

17 I look at the record, and I gave them a
18 preliminary opinion on what I think happened or did not
19 happen.

20 If I've written about 150 expert reports, I
21 don't take every case I get.

22 BY MR. SOLER MUÑIZ:

23 Q. How come?

24 A. Well, some cases will come to me because of
25 maloccurrence, and I don't take them or -- or -- or I

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1 do a verbal discussion with the lawyer, if it's -- if
2 he's a defendant. And, then, we part from there if
3 it's necessary that I intervene.

4 I would say I take about three out of 10
5 cases only.

6 Q. Okay. You talk about you don't take cases in
7 which a mal occurrence occurred.

8 A. Yes.

9 Q. What is a mal occurrence?

10 A. Well, that something wrong, not -- something
11 bad happens, not something wrong. And there is a
12 difference between -- not -- medicine is not perfect.
13 And that we had a bad outcome doesn't mean that there
14 was negligence or malpractice.

15 Q. Okay. In terms of those cases that you have
16 reviewed, do you have an idea how many have been for
17 the proposed Plaintiff and how many for the proposed
18 Defendant?

19 A. Well, at the beginning, it was about half and
20 half. But, then, as I started doing work for the
21 plaintiffs, they started to -- to not consulting me
22 Defendant cases.

23 And I would say, in the last year, I haven't
24 been consulted for a defendant's case.

25 Q. I'm sorry?

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1 A. In the last year, I haven't been consulted for
2 a defendant's case.

3 THE COURT: So, you've been doing it for the
4 Plaintiff in the last year?

5 THE WITNESS: In the last year. Yes, sir.

6 BY MR. SOLER MUÑOZ:

7 Q. Was it because of your choice, or was it
8 because of chance?

9 A. Well, it happened, you know. Once you go
10 against the establishment, the physicians, and you --
11 you are -- you are personae non grata within the club,
12 so they stopped giving me cases.

13 Q. In those cases that have reviewed, in how many
14 have you provided expert written opinions?

15 A. Well, in about 150 cases in the last 10 years.

16 Q. Okay. And, of what you know, how many of those
17 cases have gone into becoming lawsuits, civil cases?

18 A. All of them.

19 Q. Okay.

20 THE COURT: All of them?

21 THE WITNESS: Yeah.

22 THE COURT: All ended up in court?

23 THE WITNESS: Yeah. Usually, when I get a
24 case, it's because already there is a cause for action.
25 It will go into court. Maybe one or two didn't go for

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1 other reasons, but I would say all 150 in the last 10
2 years did go.

3 MR. SOLER MUÑIZ: Okay.

4 BY MR. SOLER MUÑIZ:

5 Q. You have been deposed in cases?

6 A. Yes.

7 Q. How many times would you say?

8 THE COURT: Deposed?

9 MR. SOLER MUÑIZ: Deposed.

10 THE WITNESS: It would cover about 50, just -
11 - just to make a ball park figure.

12 BY MR. SOLER MUÑIZ:

13 Q. And you have testified in trial as an expert
14 witness in medical malpractice cases?

15 A. Yes.

16 THE COURT: Testified in court?

17 MR. SOLER MUÑIZ: In Court.

18 THE WITNESS: Yes.

19 THE COURT: How many? 50?

20 MR. SOLER MUÑIZ: In trial.

21 BY MR. SOLER MUÑIZ:

22 Q. In -- in how many occasions have you testified
23 in court as an expert?

24 A. Including this one if I testify, it will be 12.

25 Q. Okay.

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1 THE COURT: 12?

2 THE WITNESS: Yes.

3 THE COURT: Most of them being settled?

4 THE WITNESS: Most of them are settled, yes.

5 Thankfully.

6 BY MR. SOLER MUÑIZ:

7 Q. How many of those have been in state court, and
8 how many have been in federal court?

9 A. I appeared in federal court twice. Once was a
10 case in default.

11 THE COURT: So, that's in the trial?

12 THE WITNESS: In -- in trial, Yeah.

13 THE COURT: But he's asking generally. How
14 many have you been consulted in trial court cases?

15 THE WITNESS: Oh, sorry. I'm sorry. I
16 misunderstood the question.

17 THE COURT: Do you know?

18 THE WITNESS: Well, I would say about 25
19 percent of the cases I am consulted are federal cases,
20 that I do -- that I do an opinion --

21 MR. SOLER MUÑIZ: Okay.

22 THE WITNESS: -- would be federal cases.

23 BY MR. SOLER MUÑIZ:

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1 Q. And of the ones that actually get to trial, in
2 how many of those that you have testified as an expert
3 in trial are federal cases?

4 A. I did one in Judge Domínguez's Court some years
5 ago, but it was in default. It was not a trial. It
6 was a hearing in default.

7 Q. Okay. And what -- what did that case entail?

8 A. That case was about gynecologic surgery where
9 the physician who operated on the patient did not have
10 permission from the patient to -- for him to operate on
11 her.

12 He did a surgery in 20 minutes. He
13 transected, he left urethra, did not recognize it. The
14 patient lost her kidney afterwards.

15 And, because of that case, the federal court
16 ordered the [Medical examining board court] to disbar
17 this physician.

18 Q. What was the name of the physician?

19 A. Pérez Toledo.

20 Q. And in what year did you testify in that case?

21 A. I think it was 2002 or 2001. I don't remember.

22 Q. Any other case --

23 A. In federal court?

24 Q. -- in federal court as an expert?

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1 A. Well, we went for an AMTALA hearing, but it
2 didn't -- it didn't happen. So, I went to Magistrate
3 Arenas's courtroom, but the hearing didn't happen. It
4 was about AMTALA.

5 Q. What -- what do you know about --

6 THE COURT: You did not -- you did not
7 testify?

8 THE WITNESS: No. We did not get to do the
9 hearing.

10 BY MR. SOLER MUÑIZ:

11 Q. What if you know what was the result of that
12 case?

13 A. Well, that was a patient --

14 Q. No. The result.

15 A. The result was a settlement.

16 THE COURT: A settlement?

17 THE WITNESS: Yes.

18 BY MR. SOLER MUÑIZ:

19 Q. Any other expert testimony in federal court?

20 A. No.

21 Q. Have you ever been disqualified in federal
22 court as an expert in obstetrics and gynecology?

23 A. No.

24 Q. Now, state court?

25 A. Yes?

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1 Q. In how many state court -- and I'm -- I'm
2 assuming the Commonwealth of Puerto Rico --

3 A. Yes.

4 Q. Have you testified abroad?

5 A. No.

6 Q. Or been an expert abroad?

7 A. Not that I know of.

8 THE COURT: He never testified in court, in
9 the state court?

10 MR. SOLER MUÑOZ: In -- yes. No, I'm -- I'm
11 asking if he has testified or been an expert outside of
12 Puerto Rico.

13 THE COURT: Oh.

14 MR. SOLER MUÑOZ: Okay.

15 BY MR. SOLER MUÑOZ:

16 Q. Now, let's go to state court in Puerto Rico.

17 A. Yes?

18 Q. In how many cases have you testified as an
19 expert witness in state court in Puerto Rico?

20 A. I'd say in about 10.

21 Q. And that is in trial?

22 A. In trial.

23 Q. Okay. How many times have you been
24 disqualified as an expert in obstetrics and gynecology
25 in state court in Puerto Rico?

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1 A. Never.

2 Q. How many times have you been qualified as an
3 expert in obstetrics and gynecology in a state court
4 case in Puerto Rico?

5 THE COURT: 10 cases.

6 MR. SOLER MUÑIZ: Okay.

7 THE COURT: How many, that's what he said.

8 THE WITNESS: But not all the cases were
9 obstetrics and gynecology, Your Honor.

10 THE COURT: Oh.

11 THE WITNESS: Okay?

12 MR. SOLER MUÑIZ: Okay.

13 THE WITNESS: Some were emergency medicine.
14 I would say in about eight. The majority of them were
15 in obstetrics and gynecology, but there were a couple
16 that were not.

17 THE COURT: You testified as to other forms
18 of the medicine?

19 THE WITNESS: Yes.

20 MR. SOLER MUÑIZ: Okay.

21 THE COURT: Wait a minute.

22 (Documents are reviewed)

23 THE COURT: Alright. I'm going to call the
24 jury to let them go for lunch.

25 COURTROOM MARSHAL: Okay.

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1 THE COURT: Please call the jury.

2 COURTROOM MARSHAL: Okay.

3 (Jury is called)

4 THE COURT: You may sit down. You are
5 supposed to come back at 3:00. It's already --

6 COURTROOM CLERK: That they didn't know it.

7 THE COURT: Huh?

8 COURTROOM CLERK: They didn't know.

9 MR. VIVAS: They didn't know it.

10 THE COURT: The what?

11 MR. VIVAS: They did not know that the
12 schedule that we were -- we had planned for today.

13 THE COURT: Well, one of them requested that.

14

15 MR. ORTIZ VÉLEZ: No. It was Mr. Soler, Your
16 Honor.

17 MR. MIRANDA DALECCIO: It was discussed among
18 the attorneys and Your Honor.

19 THE COURT: No, no. I told him that, yes, I
20 was going to let them go until 3:00. I'm not that
21 crazy.

22 So, it's late already. So, be back here at
23 10 after 3:00. Thank you. You may leave now.

24 COURTROOM MARSHAL: All rise.

25 (Jury is excused)

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1 THE COURT: Okay. Let's keep on going.

2 COURTROOM CLERK: You may be seated.

3 BY MR. SOLER MUÑIZ:

4 Q. Doctor, we were talking about these Puerto Rico
5 state cases that you have testified as an expert in
6 trial.

7 A. Yeah.

8 Q. I ask you: besides in obstetrics and
9 gynecology, in those cases, in what other areas of
10 medicine have you testified as an expert?

11 A. One was the implantation of a ballooning device
12 in a --

13 Q. Of a?

14 A. A ballooning device to expand skin. And the
15 other was about emergency medicine at.

16 Q. Okay. And how many times have you been
17 qualified as an expert in emergency medicine in trial
18 in state court of Puerto Rico cases?

19 A. That one.

20 Q. Have you ever been disqualified by any court as
21 an expert in emergency medicine?

22 A. No.

23 Q. Or as an expert in AMTALA?

24 A. No.

25 Q. Or as an expert in ob/gyn?

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1 A. No.

2 Q. What is the current status of your license as a
3 Doctor?

4 A. Well, I have a license in Puerto Rico to
5 practice medicine, and it's not -- it's 7532. And --

6 Q. What's that again?

7 A. 7532.

8 Q. Okay.

9 A. And it's inactive, because I'm retired.

10 Q. Could you please explain?

11 A. Well, basically, the categories of your
12 license, there's an active license to practice
13 medicine, a retired license if you are retired, a
14 suspended license if you are suspended, or a refusal of
15 a license because you become disbarred.

16 I retired -- I decided to retire from the
17 active practice of medicine in 2004. And I notified
18 the [Medical examining board], and they asked me if I
19 wanted to inactivate my license, and I said yes.

20 So, I did an affidavit that they required,
21 and I signed it, and I took it to them.

22 Q. And if you want to come back to practice?

23 A. Well, I go to the TEM, and I -- the paper, the
24 same paper that I signed says that I didn't lose my
25 license. I still have the same number. I have to go

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1 to, now, the [Junta de Disciplinas Médicas] and ask
2 them what I have to do to comply with the requirements
3 to have my license active.

4 Once I have my license active, I can do -- go
5 and take a malpractice insurance. I can, if I want to
6 take the Puerto Rico state license for narcotics and
7 the DEA license for narcotics and start practicing.

8 THE COURT: How -- before they give you your
9 change from inactive to active, --

10 THE WITNESS: Yes?

11 THE COURT: -- Do you have to take certain
12 studies and courses required?

13 THE WITNESS: Well, while you're active, you
14 have to comply with 20 hours of continuing medical
15 education credits. That's what they ask for
16 recertifying you.

17 THE COURT: 20 hours of what?

18 THE WITNESS: 20 hours of continuing medical
19 education credits for -- for a period of three years,
20 it's 60 credits.

21 I do one CMA credit a week, which is about
22 150 credits. So, I would -- in that sense, I would
23 comply with their requirements.

24 THE COURT: Whatever it is you have to take?

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1 THE WITNESS: I don't have to, but I -- I
2 like it. I enjoy it.

3 THE COURT: I know. For -- for them to
4 review your license, you don't have to do anything I
5 suppose, because you are already doing it now?

6 THE WITNESS: Yes, sir.

7 THE COURT: Alright.

8 (Documents are reviewed)

9 THE COURT: You already are doing it now in
10 the work you have?

11 THE WITNESS: I don't have to do it for the
12 work, but I like doing it, certifying my CMA, so, if
13 anything happens and I want to go back, I want to be
14 ready and have it.

15 THE COURT: Okay. Go ahead.

16 MR. SOLER MUÑIZ: Okay.

17 BY MR. SOLER MUÑIZ:

18 Q. In terms of the courses or the credits that you
19 have taken with your continuous medical education, in
20 what topics has that been?

21 A. Well, I would say half of them are in cancer
22 and obstetrics and gynecology. I also do pediatrics,
23 for example, immunization, HIV treatment, surgery for -
24 - plastic surgery for reconstructive surgery, different
25 things. Epidemiology, laboratory testing, radiology.

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1 Q. Okay. And within those that you have done in
2 obstetrics and gynecology specifically, what -- what
3 topics has that touched?

4 A. Well, they go through ultrasonography for --
5 for pregnant women, the immunization requirements for
6 pregnant women, the HIV testing of pregnant women, the
7 fetal monitoring, intrapartum fetal monitoring, the
8 measure of different hormones during pregnancy.

9 Gynecology would include new techniques on
10 doing surgeries for example, new techniques of treating
11 X-ray and replacement therapy, which has been changing
12 in the last years. Those things.

13 Q. Okay. How has the practice of medicine
14 regarding of the standards of practice in this case, in
15 Hazel's case, changed from the last time you practiced
16 in obstetrics and gynecology to today?

17 A. Nothing. It's the same. Since I became --
18 since I was a student, the diagnosis of preterm labor
19 is the same as today. The treatment of preterm labor
20 is basically the same.

21 It's a condition that, maybe 30 years ago,
22 you could -- you wanted to stop, for example, -- I'll
23 give you an example of treatment. Before, you wanted
24 to stop the baby from coming out at 27 weeks. But,
25 now, with the new technologies and the new things that

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1 they have for the newborn, a 27 week-old baby has a
2 survival rate of almost 100 percent within the
3 specialized units.

4 So, stopping labor is no longer a priority
5 within the continental United States. Puerto Rico
6 would be an exception because of the quality of the
7 neonatal care units here, and the resources has been
8 published in the press, etc., etc..

9 But there is no new research just to say that
10 has changed the standard of practice for the diagnosis
11 management of preterm labor.

12 Q. Okay. You mentioned preterm labor.

13 A. Yeah.

14 Q. And, without getting into the specifics, what -
15 - what other areas of medicine does this case touch?

16 A. Well, it touches the emergency room care --
17 okay? -- the preterm labor and the management of the
18 preterm labor.

19 Q. And how has that changed since the last time
20 you practiced medicine until today?

21 A. No. It's the same.

22 Q. What other areas of medicine does that -- does
23 this case entail?

24 A. I don't understand the question.

25 Q. Okay. I'm sorry. Strike that.

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1 What other topics or -- within obstetrics and
2 gynecology will be discussed in this case?

3 A. Well, there is a controversy about the cervix,
4 a contracting cervix for example --

5 Q. Okay. And --

6 A. -- that will be -- yes?

7 Q. -- and how has the knowledge, diagnosis,
8 treatment or else incompetent service changed from the
9 last time you practiced medicine until today?

10 A. Well, the standards of a competent service, the
11 standard of practice in competent service have not
12 changed. What has changed is the -- and many studies
13 have come out about what procedures you can do to
14 prevent -- not prevent it, but diagnosed it thoroughly,
15 like, sonography, etc..

16 That's a -- that has come through the last 10
17 or 15 years.

18 Q. Okay. Is your expert opinion in this case
19 formed around the standards of practice in obstetrics
20 and gynecology?

21 A. Of course.

22 Q. And those standards that you used to form your
23 opinion are valid as of what date?

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1 A. As for the date that the events happened
2 obviously. And they have been the same for the last
3 years.

4 Q. How many years?

5 A. Since I was a resident.

6 Q. And -- and what about AMTALA?

7 A. Well, about the AMTALA, it's -- the
8 requirements are the same. For a pregnant patient, the
9 only thing that changes recently about the guidelines
10 was that a midwife could certify that a pregnant woman
11 was not in labor before discharging her.

12 And that's the only thing I can tell you
13 about AMTALA and how it has changed. Everything else
14 is the same.

15 Q. In terms of your knowledge about AMTALA, about
16 obstetrics and gynecology, how has that changed from
17 2004 -- from the last time you practiced medicine until
18 today?

19 A. It hasn't changed.

20 MR. VIVAS: Asked and answered, Your Honor.

21 THE COURT: Yeah. I think it has been
22 answered. But are you finished?

23 MR. SOLER MUÑOZ: Let me review my notes. I
24 think I am.

25 THE COURT: Yes.

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1 (Documents are reviewed)

2 BY MR. SOLER MUÑOZ:

3 Q. Has -- has your license as a physician been
4 suspended or revoked?

5 A. No.

6 Q. Have your medical privileges ever been
7 suspended or revoked?

8 A. Well, there was an instance at the oncologic
9 hospital where there was a confusion about the
10 necessity of the Drug Enforcement Administration
11 license to give narcotics.

12 I was not giving narcotics. I was not -- I
13 didn't have a license for that because the hospital
14 already had a pain Center, so I had no license. And
15 the medical director sent me a letter that she was
16 suspending my privileges because I didn't have the
17 license.

18 And I found out two days later -- I went to
19 him, and I -- because of my knowledge of the faculty,
20 half of the faculty at the oncologic hospital didn't
21 have a DEA number. So, he had to reinstate me.

22 Q. So, when -- when -- when were -- did you
23 receive that letter and when were you reinstated?

24 A. That letter was sent Wednesday, that I was in
25 Manatí, I was not at the Centro Médico. When I got

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1 there Friday morning, I found out about the problem,
2 and I went to his office, and I "Well, let's -- let's
3 reason this, you know. This is what's happening. So,
4 you -- you have no grounds to suspend my privileges".

5 So, he had to reactivate my privileges. Two
6 days.

7 Q. Two days.

8 Have you been sued for medical malpractice?

9 A. Yes.

10 Q. How many times?

11 A. 3.

12 Q. What happened with those cases?

13 A. Well, one was dismissed, and the other two were
14 withdrawn -- withdrawn.

15 (Documents are reviewed)

16 Q. In -- in terms of the sources of information
17 that you have used in this case to form your expert
18 opinion, how do those sources compare to the sources of
19 information that codefendant's experts used as you know
20 them?

21 A. Well, we -- we use mostly the same literature,
22 the textbook, the Williams textbook, in order to reach
23 our conclusions. Obviously, I use my training
24 experience. I went to the literature applicable at the
25 time of when the baby was born.

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1 And, maybe my study of the case included
2 obstetric pain. I didn't see that they gave any
3 information about that. But it's basically the same.

4 Q. And in what topics of medicine are you
5 proposing that you testify as an expert in this case?

6 A. Well, basically in obstetrics.

7 MR. VIVAS: Objection, Your Honor. He's not
8 here to say what he's going to testify and what he
9 doesn't allow himself to testify.

10 MR. SOLER MUÑIZ: His proposed --

11 THE COURT: Well, I -- well, no. He was
12 proposed to be an expert specializing in obstetrics and
13 gynecology, that he was going to testify pertaining to
14 that field of medicine. That's what I understood.

15 MR. VIVAS: Well, that's the -- that's the
16 proposal.

17 THE COURT: No, no. He came here as an
18 expert in that. I didn't know that he was practicing
19 any more.

20 So, that objection is sustained.

21 MR. SOLER MUÑIZ: Okay.

22 THE COURT: We know why -- why he's here.
23 Otherwise, we would not be here questioning.

24 MR. SOLER MUÑIZ: Okay. Your Honor, we don't
25 have any further questions. We --

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1 THE COURT: I'm sorry. I forgot that the
2 extension to 3:00 was for your benefit.

3 MR. SOLER MUÑIZ: That's -- that --

4 THE COURT: And, evidently, you won't be able
5 to take advantage of that, because it's already 12 --

6 MR. SOLER MUÑIZ: 25.

7 THE COURT: -- 25, but we're not going to
8 meet here until 3:00. But I have to let the other
9 attorneys question the Doctor.

10 MR. SOLER MUÑIZ: Okay.

11 THE COURT: And I'm going to do it now.

12 MR. SOLER MUÑIZ: I -- I understand, Your
13 Honor.

14 THE COURT: Alright.

15 MR. SOLER MUÑIZ: I'll see the pictures

16 THE COURT: Alright.

17 MR. SOLER MUÑIZ: So, we -- we submit Dr.
18 Carlos Ramírez as an expert in obstetrics and
19 gynecology and also as an expert within the field of
20 emergency medicine in AMTALA.

21 THE COURT: Alright. We have to be very
22 specific from now on, more than what we have been here.
23 If it's about AMTALA, I didn't know he was going to
24 testify as an expert in AMTALA.

25 Go ahead. Questions?

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1 MR. VIVAS: May it please the Court?

2 For the record, José Héctor Vivas, on behalf
3 of Dr. Brenda Torres.

4 CROSS EXAMINATION

5 BY MR. VIVAS:

6 Q. Good afternoon, Doctor.

7 A. Good afternoon.

8 Q. You are retired as an active obstetrician since
9 2003. Is that correct?

10 A. In -- and 2.

11 Q. 2002?

12 A. Yes.

13 Q. Since 2002, you have not seen a woman in labor?

14 A. No.

15 Q. You have not taken care of a preterm labor
16 since at least 2002. Is that correct?

17 A. Yes.

18 Q. You have not treated an incompetent cervix
19 since at least 2002?

20 A. Yes.

21 Q. Did you review the transcript of your
22 deposition for your testimony today?

23 A. I saw it last week, yes.

24 Q. And you read it?

25 A. Yes.

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1 Q. Okay. And you were asked what you were doing
2 at that time for a living?

3 A. Yes.

4 Q. And your answer was that you had a company with
5 your wife --

6 A. Yes.

7 Q. -- as you testified today, called Innovative
8 Quality Consulting, --

9 A. Yes.

10 Q. -- that it deals with cancer in two
11 institutions, --

12 A. Yes.

13 Q. -- about health issues, about faculty
14 credentialing for the Medicare advantage programs --
15 and I quote -- "And I do malpractice counseling"?

16 A. Yes.

17 Q. Okay. So, part of what you do for a living is
18 testifying -- strike that -- is acting as an expert in
19 medical malpractice cases. Is that correct?

20 A. Well, I review records, and, if I decide to
21 take the case, I do.

22 Q. Okay.

23 A. That's -- that's a job, and I charge for that.

24 Q. Okay. My question is, Doctor, --

25 A. Yes?

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1 Q. -- please listen to it -- is part of what you
2 do for a living today is doing work as an expert in
3 medical malpractice cases?

4 A. Yes.

5 Q. Yes.

6 And part of your income, Doctor, you also get
7 it -- part of your income, you also get it giving
8 seminars on medical malpractice?

9 A. Yes.

10 Q. Through [seminarios jurídicos]?

11 A. Yes.

12 Q. And you give that to attorneys at the [Colegio
13 de Abogados]?

14 A. One of the seminars was at [Colegio de
15 Abogados].

16 Q. And those seminars, the [seminarios jurídicos],
17 you give them jointly with Counsel Pedro Soler, counsel
18 for Plaintiff. Is that correct?

19 A. Yes. He invites me, Yeah.

20 THE COURT: [Seminarios jurídicos]?

21 MR. VIVAS: [Seminarios jurídicos].

22 THE WITNESS: Yes.

23 THE COURT: He gives that jointly with
24 attorney?

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1 MR. VIVAS: Pedro Soler, Counsel for
2 plaintiffs.

3 THE WITNESS: And I also do it with Roberto
4 Ruíz Comas and Roberto Reyes López.

5 BY MR. VIVAS:

6 Q. How many seminars have you given jointly with
7 Mr. Soler?

8 A. I think 3.

9 Q. 3?

10 A. Yes.

11 Q. All about legal issues and the medicine?

12 A. All about medicine and the law, Yeah.

13 THE COURT: Medicine -- medicine and what?

14 THE WITNESS: And the law.

15 MR. VIVAS: Okay.

16 BY MR. VIVAS:

17 Q. Doctor, and, right now, you're not board
18 certified in obstetrics and gynecology?

19 A. I am board qualified. I'm not board certified.

20 Q. Okay. And you have not been board certified
21 since 1997?

22 A. Yes.

23 Q. 12 years ago?

24 A. Yes.

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1 Q. And, before that, when you were active -- when
2 you were active as an obstetrician, you were board
3 certified?

4 A. Not always. Because, my first two years of
5 practice, 85-86-87, I was not board certified. I was
6 board qualified.

7 THE COURT: Well, he was board certified up
8 to 97.

9 BY MR. VIVAS:

10 Q. Up to 97?

11 A. Yes. But I practiced obstetrics without being
12 board certified for five years. When I did it three
13 years before I was board certified, and then, after
14 that, for five years, yes.

15 Q. Okay. And, Doctor, you testified that your
16 license, medical license with the now [Junta de
17 Licenciamiento Institucional Médica], former [Tribunal
18 Examinador de Médicos], --

19 A. [Yes].

20 Q. -- is inactive?

21 A. Yes.

22 Q. And that means you cannot practice medicine in
23 Puerto Rico?

24 A. Yes.

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1 Q. That means you do not have privileges at any
2 hospital to treat obstetrics or gynecologic patients?

3 A. I don't have privileges in any hospital.

4 Q. You can not go to any doctor -- to any hospital
5 and treat any patient?

6 A. No.

7 Q. It would be illegal?

8 A. It would be illegal to do with even in an
9 office.

10 Q. Okay. And you do not have any medical
11 malpractice insurance at this time?

12 A. I don't have it since November 2003 when I
13 canceled it because I was going to retire.

14 Q. Okay. Doctor, are you a member of [Colegio de
15 Médicos Cirujanos de Puerto Rico]?

16 A. No.

17 Q. Are you a member of [American Medical
18 Association]?

19 A. Not an active member. Every physician in the
20 United States is a member, and we receive information
21 from them, but not an active member.

22 Q. Are you a member of the American College of
23 cervix?

24 A. No.

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1 Q. Are you a member of the American College of
2 obstetrics and gynecology?

3 A. No.

4 Q. Have you had any administrative complaints
5 filed by the [Medical examining board] for not having
6 recertified your license for the term of 2004 to 2007?

7 A. Not that I know of.

8 Q. Your answer is no or yes?

9 A. No, not that I know of. I went there in 2007
10 when they had the problem with the non certified
11 physicians, and they asked me to -- or, they offered to
12 retire my license. That's all I know.

13 Q. Do you have a certification from the [Medical
14 examining board] that they approved your retirement?

15 A. No.

16 Q. No?

17 A. No. What I have is the affidavit I took there.

18 Q. But you never received an approval from the
19 [Medical examining board] of your request. Is that
20 correct, Doctor?

21 A. I didn't know I had to receive one, no. I had
22 --

23 Q. The question is very simple: did you receive an
24 approval of your request, Doctor? Yes or no?

25 A. An approval from them, no.

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1 Q. Doctor, and you testified that you have
2 testified as an expert or participated as an expert in
3 fields other than obstetrics and gynecology. Is that
4 correct?

5 A. Yeah.

6 Q. And you said that you had testified in the
7 field of emergency medicine?

8 A. Yes.

9 Q. But you have also testified or accepted --
10 strike that.

11 You have also accepted cases on behalf of
12 plaintiffs, medical malpractice cases, for cosmetic
13 surgery?

14 A. Yes.

15 Q. And you have also, although you are not a
16 cosmetic or plastic surgeon. Is that correct?

17 A. Yes. But that was a case about reconstructive
18 surgery, not plastic surgery.

19 Q. Okay. And you're not a reconstructive surgeon.
20 Is that correct, Doctor?

21 A. Well, I do reconstructions in the pelvis.

22 Q. You do reconstructions?

23 A. Reconstructions. Yeah.

24 Q. You do them?

25 A. Yeah.

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1 Q. When was the last time you did one, Doctor?

2 A. Well, in a vulva carcinoma, you have to do
3 tissue transplants, --

4 Q. Okay, Doctor, --

5 A. -- expansions. That's what I mean.

6 Q. Okay. You said "I do". That means present.

7 A. No, no, no, no, no.

8 Q. I want to know when was the last time you did
9 one.

10 A. Well, about 2003 probably.

11 Q. Okay. So, when you said "I do them", that is
12 not correct?

13 THE COURT: Well, go ahead.

14 MR. VIVAS: Okay.

15 BY MR. VIVAS:

16 Q. Doctor, you testified that you have never been
17 disqualified as an expert in obstetrics and gynecology
18 in federal court?

19 A. I -- I didn't hear the last part --

20 Q. Okay.

21 A. -- of your sentence.

22 Q. Okay. I'll repeat it.

23 A. I'm sorry.

24 Q. I'll repeat it.

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1 You testified that you have never been
2 disqualified as an expert in obstetrics and gynecology
3 in federal court. That was your testimony?

4 A. Yes.

5 Q. But now I ask you: the truth is that you have
6 never been offered as an expert in obstetrics and
7 gynecology in federal court?

8 A. That's true.

9 Q. So, there's no way you could have been
10 disqualified if you have and never been offered as an
11 expert in that field?

12 A. Well, I wasn't -- I'm sorry. Let me -- let me
13 correct my answer.

14 The case that was in default wasn't a
15 gynecology case. So, I was qualified in gynecology. I
16 haven't been qualified -- I haven't had the opportunity
17 of being qualified in obstetrics. There, you're right.

18 Q. Okay. And this case deals about obstetrics?

19 A. Yes.

20 Q. And the only active association you belong now
21 is Society for law and ethics in medicine?

22 A. Ethics -- Yeah.

23 Q. And that deals with medical malpractice?

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1 A. That deals with various issues of bioethics.
2 It deals with law. It deals with medical malpractice.
3 It deals with death issues, ostenasia.

4 Q. Okay.

5 (Documents are reviewed)

6 Q. And you answered to Counsel on several
7 abstracts and presentations you have presented?

8 A. Yes.

9 Q. But the truth of the matter is the last one was
10 in 1993?

11 A. Maybe, or 94. I don't remember.

12 Q. Okay.

13 A. Yes.

14 Q. That's at least 15 years ago?

15 A. Yes.

16 (Documents are reviewed)

17 Q. And, you testified, Doctor, that your
18 understanding is just call the [Junta -- in your name,
19 [Junta de Licenciamiento y Disciplina Médica] --

20 A. Yes.

21 Q. -- which used to be the [Medical examining
22 board], and just tell them "I want to renew my
23 license". You will have to offer evidence on the -- on
24 the credits that they require, and your license would
25 be active. Is that --

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1 A. No. I said that I have to go there and see
2 what I needed to comply with them.

3 Q. Okay.

4 A. Within the things I know they are going to ask
5 is continuing medical education, and I have that.

6 The other things, whatever they are, they'll
7 have to tell me.

8 Q. Okay. And it's not automatic, because the
9 [Board] can determine whether they will approve your
10 request or not?

11 A. Sure. They have the power.

12 (Documents are reviewed)

13 MR. VIVAS: I have no further questions.

14 THE COURT: Alright.

15 MR. VIVAS: Thank you, doctor.

16 THE COURT: We will recess until 3:10. We'll
17 be back here at 3:10. And, at that time, I will have
18 decided.

19 MR. VIVAS: Your Honor, may I please the
20 Court --

21 THE COURT: Yes.

22 MR. VIVAS: -- very briefly?

23 THE COURT: Yes.

24 MR. VIVAS: I request that Dr. Ramirez not
25 be a party, and, he, being under oath right now, that

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1 he be instructed that he cannot meet or talk with
2 anyone until he comes back to continue his testimony,
3 because he's subject to cross-examination by the other
4 attorneys.

5 THE COURT: Oh, I see. No, we'll do that. I
6 thought you were going to be the only one. We'll do
7 that, okay, now.

8 MR. VIVAS: Oh, okay. Okay.

9 THE COURT: No. I thought you were the only
10 one.

11 MR. VIVAS: Okay. I'm sorry.

12 THE COURT: I'm sorry. I thought that was
13 the end.

14 MR. IRIZARRY IRIZARRY: For the record, Your
15 Honor, may it please? Anselmo Irizarry Irizarry.

16 CROSS EXAMINATION

17 BY MR. IRIZARRY IRIZARRY:

18 Q. Good afternoon, Dr. Ramírez.

19 THE COURT: Well, will finish this thing now.
20 There's no reason to wait for a recess. Go ahead.

21 BY MR. IRIZARRY IRIZARRY:

22 Q. Dr. Ramírez, do you agree with me that AMTALA
23 is not a hospital protocol?

24 A. It's not a hospital protocol.

25 Q. Neither a law of federal hospital malpractice?

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1 A. Excuse me?

2 Q. Neither a law of federal hospital malpractice?

3 A. It's not a law of federal malpractice.

4 Q. It's a law, and, therefore, by law has to be
5 continued (sic) by the judges, right?

6 A. Of course, Yeah.

7 Q. Okay. There is no specialty in medicine
8 regarding that you are board certified or you have a
9 specialty in AMTALA?

10 A. I don't think anyone can claim that, no. In
11 medicine, no.

12 Q. Alright.

13 (Documents are reviewed)

14 Q. You have mentioned that you have been an expert
15 in a case of reconstructive. That's correct?

16 A. Yes.

17 Q. That was a case in Mayaguez?

18 A. Yes. With you.

19 Q. I was the attorney for the Defendant. That's
20 correct?

21 A. You was -- you were the attorney, a very
22 effective attorney for the defense.

23 Q. Thank you very much.

24 Doctor, do you remember the outcome of that
25 case?

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1 A. I know your side won, but I don't know the
2 details.

3 Q. Doctor, in order to be a member, an active
4 member of a faculty, what are the requirements?

5 A. Well, in order to be an active member of the
6 faculty, you have to decide which departments you are
7 going to go, for example, surgery. In the hospitals I
8 have worked, you have to be a board eligible surgeon,
9 which means that you were trained in an accredited
10 program. You have to provide your license. You have
11 to provide your medical malpractice, your certificate
12 of continuing medical education, letters of
13 recommendations, Health issued card, other things, a
14 photograph.

15 Q. Okay. Regarding to your current professional
16 situation, it's correct to say that you cannot be a
17 member, an active member of any faculty?

18 A. No.

19 Q. Okay. Will you please explain to me why your
20 curriculum vitae, updated to 2008, it says that you are
21 active faculty doctors Hospital in Manatí, consultant
22 for the Cancer Center in 1984 to present?

23 A. If it says active, it's a mistake. Because,
24 what I do is consulting for the cancer center. I don't

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1 see patients. I don't have privileges in the hospital.

2

3 I just am an advisor to the cancer committee.

4 I am not a faculty member.

5 Q. As adviser in order how to handle patients?

6 A. Well, for example, techniques about gynecologic
7 cancer.

8 Q. For -- for one specific case? They present to
9 you a case of Mr. X or Mrs. Y?

10 A. Mrs. Y probably. Mr. X, I don't do that.

11 Q. And they present the case to you, and then you
12 make -- you make a recommendation of how to handle that
13 case?

14 A. I make a recommendation on how to want to
15 handle, what information to look for, where -- where to
16 consult it in other areas of -- outside of Puerto Rico
17 in the --

18 Q. That means the treatment and management of that
19 patient's condition?

20 A. No.

21 Q. No?

22 A. No. The treatment and past management of a
23 patient's condition is the responsibility of the
24 attending physician that has that -- the way it's set
25 up is, if it's a surgeon or if it's the chemotherapist.

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1 Q. But you are providing advice to that specialty?

2 A. Well, if he asks me, of course. If I find
3 someone in the street that wants my opinion on
4 medicine, I can give it.

5 Q. Which means that you indirectly provide medical
6 treatment?

7 A. I wouldn't say it that way. I would say if I
8 saw it that way, I wouldn't do it. I see it as I am
9 helping a colleague and a human being improve on his
10 condition. If -- if that's -- I don't say it that way.

11 Q. And how much do you charge for that service?

12 A. No, I don't charge for that service.

13 Q. Do you know to whom belongs [seminarios
14 jurídicos]?

15 A. I understand it's Mr. Soler's --

16 Q. Mr. Pedro Soler, Plaintiff's attorney?

17 A. Yes. I am -- I understand it's his. I don't
18 know if it's a corporation or what, or an
19 incorporation, I don't know.

20 (Documents are reviewed)

21 MR. IRIZARRY IRIZARRY: Okay. Let me check.
22 I think I have already finished. Oh, yes.

23 BY MR. IRIZARRY IRIZARRY:

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1 Q. You also have testified that you have been
2 qualified an expert in emergency medicine. That's
3 correct?

4 A. Yes.

5 Q. However, emergency medicine is another
6 specialty in the medicine field?

7 A. There are emergencyologists which are board
8 certified -- or, the board eligible persons who train
9 specifically in emergency medicine.

10 Q. They have to go to a resident program for that?

11 A. A three-year residency program.

12 Q. But you don't have that kind of program with
13 you -- you don't have never been to that program?

14 A. No, I haven't.

15 Q. You never have been certified by the [Medical
16 examining board] of Puerto Rico as an emergencyologist?

17 A. No, I haven't.

18 MR. IRIZARRY IRIZARRY: Thank you very much.

19 THE COURT: The next one?

20 MR. MIRANDA DALECCIO: May it please the
21 Court? José Miranda Daleccio for the record.

22 CROSS EXAMINATION

23 BY MR. MIRANDA DALECCIO:

24 Q. Now, Doctor, let me make sure that we have some
25 facts right.

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1 Your insurance coverage, your malpractice
2 insurance coverage was suspended because of a failure
3 of payment.

4 A. Yes.

5 Q. Is that what happened?

6 A. Yeah, I stopped paying it --

7 Q. Okay.

8 A. -- because I was not going to use it anymore.

9 Q. Okay. Something else I need to get clear: You
10 stated that you have been teaching students for 26
11 years?

12 A. If I have the math right, Yeah. It sounds
13 right. Since -- since I graduated.

14 Q. Well, I want to give you the opportunity,
15 because, as far as that answer is concerned, you've
16 been teaching more time than you have been a doctor.

17 A. Well, probably.

18 THE COURT: Teaching? Teaching?

19 THE WITNESS: It's been 22 years.

20 MR. MIRANDA DALECCIO: Teaching, yes.

21 THE WITNESS: Then, it's 22 years. Yeah.

22 BY MR. MIRANDA DALECCIO:

23 Q. Okay. Okay.

24 A. Sorry.

25 Q. I don't want to --

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1 A. Sorry for the confusion.

2 Q. -- I don't want exaggerations. That's what I
3 want. Okay.

4 And your honorary designation as an attending
5 in the surgery department, honorary means that you do
6 not get paid?

7 A. No, it was ad anotum (sic) , yes.

8 Q. So, you stand --

9 A. I was not getting paid.

10 Q. Okay. So, you stand corrected that it is not
11 an honorary designation but an ad anotum (sic)
12 designation?

13 A. I never said honorary. I said ad anotum all
14 the time.

15 Q. Well, I'm going to correct my notes.

16 A. Yeah.

17 Q. Thank you.

18 A. No, no. I never said honorary.

19 To me, it was an honor, but it was not
20 honorary.

21 (Documents are reviewed)

22 Q. Of those publications that you enumerated that
23 are contained in your 2008 version of your curriculum
24 vitae, --

25 A. Yes?

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1 Q. -- none of them -- I mean, let me rephrase.

2 The -- of all those, there's only one that
3 mentions the subject gynecology, correct? -- which is
4 the first one on the list.

5 A. Let me check.

6 Q. Go ahead.

7 A. You mean the Journal? It was published.

8 Q. No, no. Go to the list.

9 (This is done)

10 A. Well, there is one that mentions gynecology.
11 But all of them are gynecological.

12 Q. Isn't it true that all of them are about
13 gynecological cancer?

14 A. Yes.

15 Q. And isn't it true also that those, that list
16 that you have there, are not publications that appear
17 in medical literature, but it's a reference that you're
18 making to meetings where you presented those papers?

19 A. No, no, no. These are publications. One is in
20 obstetrics and gynecology, which is the Journal of the
21 American College at.

22 Q. Okay.

23 A. The other one is in gynecologic -- Journal of
24 gynecologic surgery. And the other one is the surgery
25 seminars, which is the surgical Journal of the JAMA.

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1 Q. Okay. JAMA is --

2 A. Journal of American Medical Association.

3 Q. Okay. Now, Doctor, when you stated that you
4 have been moonlighting, in the good a proper sense for
5 this case, --

6 A. Yes.

7 Q. -- in an emergency room, --

8 A. Yes.

9 Q. -- the truth is that you were moonlighting
10 there or you were taking care of patients in those odd
11 hours of the night, limited to gynecological patients?

12 A. No. No.

13 Q. So, you mean to tell me that, when you attended
14 to patients in the emergency room for that period of
15 time, you took care of everybody in the --

16 A. No, not of everybody. Obviously, we saw mostly
17 gynecologic and obstetrical patients --

18 Q. Okay.

19 A. -- but we were consulted, for example, by
20 surgery, by urology, by orthopedics. So, we saw
21 different patients.

22 Q. Okay.

23 A. From different specialties.

24 Q. Is it fair to say that, if we exclude your
25 testimony pertaining to oncology and your testimony

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1 pertaining to general surgery and pertaining to your
2 experience in pelvic surgery, the truth is that, from
3 all of that, and since 1981, we end up with you being
4 exposed to obstetrics during your residency to the arue
5 (sic) patients in Arecibo, and that's it?

6 A. Well, I saw patients also in the hospital, at
7 the University Hospital. I saw obstetric patients.

8 We're talking about -- you're talking about
9 prior cases?

10 Q. Yes.

11 A. And you're right.

12 Q. Oh, Yeah, thank you.

13 A. But I -- I --

14 Q. I'm right?

15 A. Not always.

16 THE COURT: Yeah, go ahead. Go ahead.

17 THE WITNESS: Well, my private obstetric
18 patients, my practice, was three years after my
19 graduation as a resident. And then, at the Manatí
20 Center or at the Arecibo area of health reform, those,
21 for eight years.

22 MR. MIRANDA DALECCIO: Okay.

23 THE WITNESS: But I continued seeing,
24 intermittently, obstetric patients in Centro Médico. I
25 was an attending in two hospitals.

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1 BY MR. MIRANDA DALECCIO:

2 Q. Obstetric patients is a lady that is pregnant?

3 A. Yes.

4 Q. That does not mean labor?

5 A. Yes.

6 Q. Okay. The truth is, Doctor, that, from 1989 to
7 1997, that period of time that you spent at -- well,
8 let me go back.

9 Your private practice since 1985 to 1997 --
10 I'm talking about that period of time --

11 A. Yes?

12 Q. -- the truth is that, during that period of
13 time, at least from 1989 to 1997, you did not attend a
14 labor?

15 A. No, that's wrong.

16 Q. That's wrong?

17 A. Because, in Arecibo, in the -- on Mondays, I
18 was in the labor room there as well as in the office.

19 Q. Okay.

20 A. So, I did attend -- not many, but I did attend
21 labors.

22 Q. But, within your private practice at El Amal?

23 A. No. At El Amal, I stopped seeing obstetrics in
24 1988.

25 Q. But you did not -- 19?

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1 A. 88.

2 Q. 88.

3 (Documents are reviewed)

4 Q. In that default hearing that you were able or
5 you were allowed to testify, Doctor, your testimony was
6 pertaining to damages. That's a correct statement?

7 A. No. It was pertaining to malpractice.

8 Q. So, it was not a default hearing?

9 A. Yes, it was a default hearing, because the
10 person we mentioned, Dr. Pérez Toledo, did not respond
11 to the complaint.

12 Q. Okay.

13 A. So, it was in [rebeldía].

14 Q. Exactly. So, in that default hearing, you were
15 taken there for the damages hearing?

16 A. They asked me about malpractice.

17 Q. Do you know or do you not know?

18 THE COURT: No, just --

19 MR. MIRANDA DALECCIO: Maybe you do not know.

20

21 THE COURT: -- when there is a default in
22 agencies and the malpractice are accepted, that do not
23 further disrupt --

24 MR. MIRANDA DALECCIO: Well, that -- okay.

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1 THE COURT: -- from the hearing. And then,
2 what they have to prove are the damages. That's the
3 way they go.

4 MR. MIRANDA DALECCIO: Okay.

5 THE WITNESS: Okay.

6 MR. MIRANDA DALECCIO: Well, then, --

7 THE COURT: And that's where the questions
8 are directed.

9 THE WITNESS: Well, then, it was a damage
10 hearing.

11 BY MR. MIRANDA DALECCIO:

12 Q. Okay.

13 A. You're right. I'm sorry.

14 MR. MIRANDA DALECCIO: That's it, Your Honor.
15 Thank you. That's more than enough.

16 THE WITNESS: I'm sorry for my -- you know,
17 that's --

18 MR. MIRANDA DALECCIO: Thank you.

19 THE COURT: More questions?

20 MR. VÁZQUEZ SANDOVAL: May it please the
21 Court?

22 THE COURT: Go ahead.

23 MR. VÁZQUEZ SANDOVAL: Humberto Vázquez for
24 Advanced ob/gyn.

25 CROSS EXAMINATION

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1 BY MR. VÁZQUEZ SANDOVAL:

2 Q. Dr. Ramírez, --

3 THE COURT: Who's that -- who's that group?

4 MR. VÁZQUEZ SANDOVAL: I'm sorry. Advanced
5 ob/gyn, pse.

6 THE COURT: And your name is?

7 MR. VÁZQUEZ SANDOVAL: Humberto Vázquez, Your
8 Honor.

9 BY MR. VÁZQUEZ SANDOVAL:

10 Q. Now, Dr. Ramírez, have you ever been notified
11 by the Puerto Rico Medical Board, formally known as the
12 [Medical examining Board], of a disciplinary proceeding
13 being opened against you for any reason?

14 A. Not that I know of, no.

15 Q. Now, talking about these CME courses that you
16 have been testifying today --

17 A. Yes?

18 Q. -- about, you take them voluntarily. Is that
19 right?

20 A. Yes.

21 Q. And you say that you read the materials on your
22 own, and then you take an exam. Is that the way --

23 A. Yes. And they approve or not approve the
24 credit.

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1 Q. Do you have any proof of these courses having
2 been approved or --

3 A. Yeah, sure. Sure.

4 Q. You do?

5 A. If I ever want to go back to medicine, I know
6 I have to provide proof that I did that.

7 Q. What would that proof be?

8 A. Well, based on your certification, if you ask
9 for it, every time you finish the course, or if at the
10 end of the year, there are different. It goes into my
11 e-mail.

12 Q. Have you produced those certificates to
13 Plaintiff's Counsel in this case?

14 A. I don't think so, no.

15 Q. You have not?

16 A. No. Never asked.

17 Q. Have you -- have you presented those
18 certificates to the Puerto Rico Medical Board?

19 A. No.

20 Q. Formerly known as --

21 A. When I took them -- when I planned to recertify
22 in 2007, and they never asked, because we decided on
23 inactivating my license because of my status as a
24 retired physician.

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1 But I took them there, and they never got to
2 see them.

3 Q. You took them in what year?

4 A. During the recertification process in 2007.
5 You know, all these things, what -- what -- it had to
6 be for June 30th, and they kept on prolonging it until
7 September 30th because of the investigation of the
8 fraudulent physicians. There was a -- they delayed the
9 deadline to September 30th.

10 During that time and in that hectic three
11 months that the TEM was going through, I went there
12 voluntarily to look in -- to give them my CME's, but,
13 upon discussing this with the chief counsel of the TEM,
14 he recommended that I didn't activate my license
15 because I was not practicing.

16 Q. And you said this was in 2000?

17 A. That was in 2007.

18 Q. And seven?

19 A. Yes.

20 Q. As I understood your testimony, in 2007, you
21 did not have an active license --

22 A. Well, I recertified in 2004, notifying the
23 [Medical examining board] that I was retired -- okay?
24 I don't know what -- how -- what classification they
25 put me on. But, when they found out that I had been

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1 retired since 2004, they recommended that I inactivate
2 my license in 2007.

3 I don't know what they did in the meantime.
4 I was not practicing obviously.

5 Q. You were not practicing?

6 A. Since 2003, I was not practicing medicine.

7 Q. Yet, you provided, as you say, you provided CME
8 credits to the Board in 2007?

9 A. Well, I offered them. I offered them, and they
10 did not take them on. I took them there, because I
11 planned to recertify for an active license, as I did
12 in 2004.

13 But, since I was retired, they recommended me
14 that I inactivate my license.

15 Q. Alright. What about any courses that you have
16 taken since then?

17 A. Yeah. I continue my education.

18 Q. Have you also provided those certificates to
19 the Board?

20 A. No. I haven't gone there. They are in a
21 transition process right now, and I don't find anyone
22 there that can help right now.

23 Q. Alright. So, your status, since -- since 2007,
24 is that you have no license active to practice medicine
25 in Puerto Rico?

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1 A. I have a license to practice medicine. It is
2 inactive.

3 Q. But, Doctor, doesn't that mean that you're not
4 really authorized to treat patients?

5 A. I cannot treat patients since I have no
6 malpractice since November 2003. The law requires me
7 to have a malpractice insurance to practice.

8 Even if I have -- don't have a license.

9 Q. Isn't it -- isn't it true, Doctor, that your
10 license from the Puerto Rico Medical Board, at present,
11 does not authorize you to treat patients in Puerto
12 Rico?

13 A. I cannot treat patients in Puerto Rico, no.

14 Q. Do you remember giving me your deposition in
15 November of 2008?

16 A. Yes.

17 Q. Now, you remember that I asked you about the
18 status of your license during that deposition?

19 A. Yes. Yes.

20 Q. And you told me, on November 19, 2008, that you
21 were at that time in the process of reactivating your
22 medical license in Puerto Rico?

23 A. Yes. That's true.

24 Q. And that was four months ago --

25 A. Yes. That's --

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1 Q. -- maybe a little more than that.

2 A. Yeah, that's true. But --

3 Q. But at this -- at this date, today, you still
4 do not have an active license --

5 A. I -- I haven't gone to --

6 Q. -- in Puerto Rico?

7 A. -- I haven't gone to request, because they were
8 in the transition. They are in the transition process
9 of dismantling the [Medical examining board] and
10 forming the [Medical disciplinary board].

11 So, haven't gone there until this settles
12 down.

13 Q. And you have not provided to them --

14 A. No. I haven't.

15 Q. -- certificates for CME, for continuing medical
16 education?

17 A. No.

18 Q. Even though you have testified today that that
19 would be the first thing you would do, because you know
20 --

21 THE COURT: Alright. Alright. Let's go
22 ahead. It's clear in my mind. Let's go to another
23 subject.

24 MR. VÁZQUEZ SANDOVAL: Nothing -- nothing
25 further, Your Honor. Thank you.

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1 THE COURT: Alright. No, plaintiffs, I don't
2 want --

3 MR. ORTIZ VÉLEZ: No, no. I'm not asking any
4 questions.

5 THE COURT: -- I don't want to hear you.

6 MR. ORTIZ VÉLEZ: With the permission of the
7 Court, if I may? José Vélez for plaintiffs. To
8 certain specific cases, just a citation, --

9 THE COURT: But what -- what?

10 MR. ORTIZ VÉLEZ: To a specific citation from
11 the First Circuit regarding the First Circuit's rules
12 on extra qualifications. It's a case of Gaydar --
13 that's G-a-y-d-a-r -- vs [Sociedad Instituto Gineco-
14 Qirúrico], and it's found at 345 F. 3rd 15. It's a
15 2003 opinion by Judge Lipitz.

16 That's all I wanted to say, Your Honor.

17 THE COURT: Circuit courts don't enter rules.
18 They enter opinions.

19 MR. ORTIZ VÉLEZ: I'm sorry?

20 THE COURT: That the circuit courts do not
21 enter rules. They enter opinions.

22 MR. ORTIZ VÉLEZ: I understand that. It's
23 the interpretation of federal rules as evidence.

24 THE COURT: And their opinions have to be
25 interpreted.

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1 MR. ORTIZ VÉLEZ: Of course, Your Honor.

2 THE COURT: Because, Judge Pieras also enters
3 opinions.

4 MR. ORTIZ VÉLEZ: And Judge Pieras is in
5 charge here. I understand that.

6 THE COURT: Alright.

7 MR. ORTIZ VÉLEZ: Thank you.

8 THE COURT: Doctor, you may go back.

9 THE WITNESS: Thank you, sir.

10 THE COURT: I'll see you at 3:10.

11 COURTROOM MARSHAL: All rise. Court in
12 recess until 3:00.

13 (Recess until 3:00 p.m.)

14 (Hereupon concludes record of this Daubert
15 Hearing for this day)

16 (1:04 p.m.)

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2

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6

7 I CERTIFY that all "(inaudible)", "(phonetic)",
8 and "(unintelligible)" were carefully reviewed and
9 found to be as written.

10

11 I FURTHER CERTIFY that I am not interested in
12 the outcome of the case mentioned in said caption.

13

14 S/ CRYSTAL INCHAUSTEGUI
15 CRYSTAL INCHAUSTEGUI BREAZ

16

17 I, DIANE BREAZ, RPR and Official Court Reporter
18 for the District Court of Puerto Rico, certify that the
19 foregoing transcript has been verified and certified by
20 me.

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